Conferences of Presiding Officers of Legislative Bodies in India

[1921-2001]

Editor

G.C. MALHOTRA

LOK SABHA SECRETARIAT
NEW DELHI

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Secretary-General,
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NEW DELHI
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FOREWORD

Free, fearless and dignified discussions in the Legislatures are the spirit and soul of democracy. As the custodians of our Legislative Bodies, the Presiding Officers have a crucial role to play in strengthening parliamentary institutions and promoting a healthy parliamentary culture and democratic debate.

The problems that arise on the floor of the Legislature are varied and complex in nature. The Annual Conferences of Presiding Officers of Legislative Bodies in India provide a unique forum to the Presiding Officers to discuss the procedural issues that they come across in their Legislatures and to share their experiences and thoughts on these matters. Over the years, the Conference has indeed served as an integrating component of parliamentary institutions not only in respect of practices and procedures but also of our parliamentary system. This process has been further facilitated by the added dimensions of a Symposium held after the Conference on an issue of topical relevance as also the Conference of Secretaries of Legislative Bodies.

It is a happy coincidence that a publication offering an insight into the evolution and working of the Presiding Officers' Conference through its journey from 1921 till 2001 is being brought out on the completion of eight decades of its existence. It is only appropriate that this publication is being brought out in the Golden Jubilee Year of the Indian Parliament—the two Houses having met for the first time on 13th May 1952 after the First General Elections.

I commend this publication to all those who hold dear the ideals of parliamentary democracy.

New Delhi,
May, 2002

Manohar Joshi
Speaker, Lok Sabha

PREFACE

In a parliamentary democracy like ours, the importance of Presiding Officers of Legislative Bodies is well recognised. The Presiding Officers are held in high esteem and respect both inside and outside the Legislatures and have a great responsibility in ensuring freedom of thought and expression to all sections of political opinion represented in the House. They are required to act not only as a guardian of the rights and privileges of the members of Legislatures but also of the very fundamentals of our parliamentary polity.

With a view to helping the Presiding Officers develop and preserve healthy traditions and conventions in our parliamentary institutions in general, and parliamentary practices and procedures in particular, the forum of the Conferences of Presiding Officers of Legislative Bodies in India was launched in the year 1921. Since then, this forum has been ceaselessly functioning as one of the key components in strengthening the democratic way of life and promoting a sense of unity and oneness in India.

During the last eight decades, the Annual Conferences of Presiding Officers have discussed matters of crucial importance to parliamentary democracy, its institutions, and its rules of procedure. Covering a wide spectrum of subjects, the scope of sixty-four Conferences held so far, has ranged from an independent Legislature Secretariat, discipline and decorum in the House, harmonious relationship between the Legislature and the Judiciary, to the strengthening of parliamentary surveillance over the Executive, the Departmentally-related Standing Committee System, the search for corrective measures to make the Anti-Defection Law more effective, etc. The recommendations made and the resolutions passed during these Conferences have gone a long way in deepening and broadening the contents and contours of the parliamentary system.

The institution of the Conference of Presiding Officers reached a new milestone in 1972 with the holding of a Symposium on issues of national importance after the Conference. Twenty-four such Symposia have been held till date. Another dimension had earlier been added to the Conference in 1953 with the constitution of the Conference of Secretaries of Legislative Bodies in India. The Secretaries' Conferences, forty-four so far, provide a unique opportunity to the Secretaries from Legislative Bodies to exchange experiences and views on matters of practices and procedures and find out solutions to the problems they face in the functioning of Legislatures.

This publication, brought out by the Lok Sabha Secretariat, is intended to give an insight into the way the Conference of Presiding Officers has evolved in terms of its functioning, organizational set-up, aims and objects, scope and achievements during the last eight decades. The publication also contains subjects discussed and important Resolutions/Decisions/ Conclusions reached during this period. It also gives extensive information pertaining to all the Symposia and Conferences of Secretaries held till June 2001.

I am deeply beholden to the Hon'ble Speaker, Lok Sabha, Shri Manohar Joshi for his blessings in bringing out this publication. His illuminating Foreword has greatly added to the value of the publication.

I would like to express my deep appreciation for the hard work of my colleagues, Shri John Joseph, Additional Secretary; Shri M. Rajagopalan Nair, Joint Secretary; Shri R.C. Ahuja, Director; Shri Vijayakrishnan K., Joint Director; and Km. Manju Jain, Assistant Director in bringing out this publication.

Thanks are also due to the Conference Branch, Lok Sabha Secretariat, particularly Shri U.S. Saxena, Deputy Secretary, Shri P.C. Koul, Assistant Director and Shri V.K. Gupta, Senior Assistant and also the Officers and Staff of the Parliamentary Museum and Archives for their valuable cooperation in making available the relevant material for the publication.

I do hope, the publication would be found useful by Presiding Officers, parliamentarians, parliamentary officials and all others interested in the working of democratic institutions.

New Delhi,
June, 2002

G.C. MALHOTRA
Secretary-General,
Lok Sabha

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1. CONFERENCES OF PRESIDING OFFICERS OF LEGISLATIVE BODIES IN INDIA

Parliamentary democracy, in its modern sense, has struck deep and firm roots in the Indian soil. It is growing within the framework of consensual politics with the twin objectives of freedom and progress of the people. The polity has stood the test of pluralism and diversity, and has co-existed with different shades of ideas and interests through the multi-party system. All these have been made possible because of the effective functioning of our Parliament and State Legislatures.

Parliament and State Legislatures are the best fora to ventilate public grievances and to ensure Executive accountability. Problems and situations that arise on the floor of the House are varied and complex in nature. In this context, the person who presides over the House has to be an ideal blend of firmness and persuasiveness while conducting the business in the Legislature. He is also required to ensure that the Legislature reflects the minds of the people at large and help make the Government responsive to the genuine grievances and difficulties voiced in the Legislature. The Presiding Officers of our Legislative Bodies are entrusted with the onerous responsibility of ensuring that the aspirations of the people as voiced through their representatives, are fulfilled. Hence, it becomes necessary that the problems confronted by the Presiding Officers in managing the proceedings of the Legislatures are analyzed and discussed periodically so as to develop sound and healthy traditions and conventions. It is in this background that the need to have such a forum where Presiding Officers could exchange and share their thoughts and experiences with their counterparts was felt.

ORIGIN OF THE CONFERENCE

The institution of the Conference of Presiding Officers of Legislative Bodies in India is as old as the Central Legislative Assembly. The first Conference was held in Simla in September, 1921 — the same year in which the first bicameral Legislature, constituted under the Government of India Act, 1919, came into being at the Centre. Lord Montague, the then Secretary of State for India, along with the then Viceroy, Lord Chelmsford, took keen interest in establishing the self-governing institutions with a view to progressive realisation of responsible Government in India. The declaration of the policy of the British Government towards India on 20 August 1917 resulted in a scheme of Constitutional Reforms embodied in the Government of India Act, 1919. The Joint Parliamentary Committee of the British Parliament dealing with the Reforms Bill of 1919, in recommending the appointment of the first President of the Central Legislative Assembly, observed: "He should be guide and adviser of the Presidents of the Provincial Councils, and he should be chosen with a view to the influence which it is hoped he would have on the whole history of the parliamentary procedure in India."

The first President of the Central Legislative Assembly, Sir Frederick Whyte, formerly a member of the British House of Commons, who was nominated to this high office for his ability and deep knowledge of parliamentary procedures, did much to establish sound and healthy democratic precedents in India. President Whyte laid down the foundation of the Conference of the President (now called Presiding Officer) of the Central Legislative Assembly and the Presidents (Presiding Officers) and Deputy Presidents (Deputy Chairmen) of the Legislative Councils in the Provinces in 1921, and presided over the first Conference on 14 and 16 September 1921.

The Conference presided over by a British nominated President became the Conference of elected Presidents from 1926 onwards. The Late Shri Vithalbhai J. Patel, who succeeded Sir Frederick Whyte in 1925, was the first elected President of the Central Legislative Assembly. In the words of President Patel, a "new stage" had been reached "in the evolution of these Conferences" with the advent of elected Presidents in place of nominated ones. Dwelling on this theme, he emphasized that as elected Presidents they had to endeavour to meet "the wants and desires" of their fellow-members "as much as possible" and they had "to explore the possibilities of construing the existing Statutes, Rules and Orders in as generous a manner as was consistent with their objects without doing violence to the well-established traditions of parliamentary life."

During his five-year tenure, President Patel not only maintained the wide and generous outlook of Sir Frederick at all the four Conferences but also strove hard to enhance the authority of the Legislature, and to assert and consolidate the independence of the Chair. The scope of the discussions at these Conferences was, however, marred by the subordinate status and limited powers enjoyed by the Central and the Provincial Legislatures under the Statute. A new era started with the introduction of Provincial Autonomy in 1937, in which the Provincial Legislatures came to have, in a wider measure than before, the powers and functions associated with democratic Legislatures under a responsible Government. However, the constitutional set-up at the Centre, which had as yet no element of responsibility, remained unchanged until the Indian Independence Act, 1947.

It was only with the attainment of Independence and establishment of a full-fledged parliamentary form of Government at the Centre as well as in the States, that the discussions at the Presiding Officers' Conferences acquired greater significance. It was a transition from form to substance. The Late Shri G.V. Mavalankar was elected as the Speaker of the Central Legislative Assembly in 1946 and later went on to become the first Speaker of the Lok Sabha. Speaker Mavalankar guided the destiny of the Conference from 1946 to 1956, during which period the Conference became instrumental in strengthening the foundations of parliamentary democracy in India. Till 1946, the Conference was not convened at regular intervals. Recognising its great value, Speaker Mavalankar was in favour of holding the Conference annually. Speaking about the usefulness of holding the Conference annually, Speaker Mavalankar, in his address to the Conference held at Shillong in November, 1955, observed: "It is necessary for Presiding Officers of Legislatures to meet annually to compare notes, take stock and discuss particular difficulties that arise from time to time in the working of democracy and gain from mutual experience and also to strengthen the conviction that the precedents that we are setting from time-to-time are sound ones. Such meetings are also necessary for personal contacts which inspire us to stand together and work with collective thought and strength for the advancement of democracy not merely in form but in substance."

From its inception in 1921 to the year 1950, the venue of the Conference was either Delhi or Simla. In 1950, Speaker Mavalankar suggested that the purpose of the Conference would be better served if it could be held at different places in various States. He was of the opinion that in this way, the Presiding Officers would not only get benefited by personal touch with different parts of the country, but they would also help foster a sense of national unity. His suggestion was readily accepted by the Presiding Officers of the State Legislatures and accordingly, from 1951 onwards, the Conference started to be held at different places. The first such Conference was held in Trivandrum in July-August, 1951.

AIMS AND OBJECTS

Over the years, the Conference of Presiding Officers of Legislative Bodies in India has evolved into a forum, keeping pace with the changing profile of Indian Legislatures. Initially, the object of the Conference was to secure "the appropriate co-ordination of parliamentary procedure throughout India." Many revolutionary changes took place since the thirties in the powers and functions of the Legislatures. The aims, objects and scope of the Conference also kept on widening with the democratization of the Legislatures and evolution of responsible Government in the country. This is discernible from the memoranda submitted and the Addresses delivered by the Chairmen of these Conferences from time-to-time.

In September, 1933, Shri Shanmukham Chetty, President of the Central Legislative Assembly, in his memorandum regarding privileges, etc. of Indian Legislatures and members thereof, submitted on behalf of the Conference to the Joint Select Committee of the House of Lords, stated the objects of the Conference as: "The purpose of these Conferences is to co-ordinate, as far as possible, the procedure of all the Indian Legislatures to enable the Presidents to exchange, in full and free confidence, their experiences and the general results of their work in their respective Chairs, and last but not the least, to ensure that parliamentary institutions in British India should develop along the right lines."

In January 1938, Sir Abdur Rahim, President of the Central Legislative Assembly, while addressing the Conference held at New Delhi, stated: "The object of the Conference was to enable them (Presiding Officers) to understand the different points of view and, if possible, to arrive at a sort of understanding as to what would be the right procedure to follow in a given case...If by this Conference they could arrive at a co-ordination of the practice of different Houses it would be all to the good. They should try, as best as they could, to establish sound traditions and sound practices which would help the growth of responsible Government in the country."

After the advent of the Interim Government in 1946, Speaker G.V. Mavalankar in his Address to the Conference held at New Delhi in January, 1947 spoke about the objects thus: "Such Conferences will give us opportunities of pooling resources as also of learning by experience and by exchange of views. They give us an opportunity of personal contacts for comradeship in the service of our country, and will go a great way in enabling us thereby to discharge our responsibilities more efficiently."

A significant change in the aims and scope of the Conference can be observed in the Chairman's Address to the Conference held at Trivandrum in July-August, 1951. As the Chairman said: "The situation, however, changed materially from 1947. Since then we have made the Conference an almost annual event, not only from the point of view of discussing, as before, matters of procedure, but to consider various matters of importance due to the changed political set-up in the country. The Central Legislative Authority now called Parliament became a sovereign body since 15 August, 1947 and this fact brought in its wake various matters of importance relating to not only the democratic set-up or forms but also the very substantial question of the effective control of the Legislature over the Executive."

In an attempt to make the Presiding Officers of the State Legislatures (after the States' reorganization in 1956) understand the relevance of the Conference, Speaker M. Ananthasayanam Ayyangar, while addressing the Conference in October, 1958 at Darjeeling, said: "I have always felt that at our annual Conferences and at other Conferences, we should address ourselves to devising ways and means of spreading the democratic spirit in the country besides addressing ourselves to matters of parliamentary practice and procedure." In his Address to the Conference at Bangalore in 1960, Speaker Ayyangar further elaborated:

> Hitherto at our Conference, we had been discussing only points on parliamentary procedure and practice. I feel that we should also discuss some current topics of general interest with special reference to the working of democracy in our land. I, therefore, suggest that we might make a beginning this time in that regard. So, on the first day, *i.e.* today we shall not be discussing the procedural points received from various Presiding Officers. Instead we shall have a general discussion on the many points that have arisen inside and outside our country and, in particular, we shall discuss "Groups within parties in the Legislatures and their effect on the work of (a) Legislature, (b) Government, and (c) Administration". For the future Conferences, I would expect you to suggest some general topics in addition to the points on procedural problems, which you may have faced during the year.

Emphasising the role of the Conference to suit the changing needs and circumstances in the wake of External Emergency in India following the Chinese aggression in 1962, Speaker Sardar Hukam Singh, in his Address to the Conference held at Chandigarh in February, 1963, stated:

> The Presiding Officers at this moment really have a very responsible part to play during this Emergency. It is a double-fold task. They have to see that parliamentary institutions are maintained and individual liberty also remains intact. In this hour of Emergency, no attacks might be made on the personal rights of the individual as well as of our democratic institutions. We are responsible and we have to see that the decisions that have to be taken, are not delayed. They are taken with that speed as is needed during such an Emergency... So we have to see that this democratic machine is adjusted in a way to suit the Emergency, and that speed is adopted which is required for this emergent occasion. We have to see that no obstruction is placed so far as

> national claims on decisions are concerned. We have to safeguard the interests of the individual as well as the democratic institutions. We have to see that they are maintained even when there is an Emergency in the country.

After the Fourth General Elections in 1967, as floor-crossing by legislators was assuming a serious dimension causing political instability in several States and even threatening to erode people's faith in parliamentary institutions, the Conference took up the matter with utmost seriousness. The 1967 Conference of Presiding Officers while deprecating "crossing of the floor for entirely personal gains", urged the need to evolve proper conventions to stop the same. Since then, the need for evolving effective measures to deal with the problem has repeatedly been stressed upon by the Conference.

Lauding the role of the Conference of Presiding Officers of Legislative Bodies as a pillar of unity in diversity, Dr. G.S. Dhillon, the Chairman of the Conference held in October, 1972 at Madras said:

> Since its inception, the Conference has provided a forum for the Presiding Officers of the Legislatures all over the country to discuss matters relating to parliamentary practice and procedure and has thus gone a long way in establishing sound democratic conventions and uniform parliamentary procedure in India. The recommendations and decisions of the Conference, which are in the nature of agreed guidelines, carry great weight with the Presiding Officers and are acted upon by them according to the circumstances obtaining in their respective Houses. Besides, it has enabled the Presiding Officers to develop personal contacts and coordinate their work in the different Legislatures. By holding these Conferences in different State Capitals, it has also promoted a sense of oneness and national unity.

Expressing his views regarding the significance and the scope of the Conference of Presiding Officers of Legislative Bodies as well as the working culture to be followed, Speaker Dr. Bal Ram Jakhar emphasized on the aspect of national consensus at the January, 1981 Conference in Bangalore. In his opinion: "There are many things to commend this institution of ours, foremost among them, in my view, the practice of rotating its venue. Can there be a more natural way of being reminded of the vastness and diversity of our land and our people, and of realising our togetherness as inheritors in common of an ancient and priceless heritage of civilization and culture? And that, in my view, is very important for it reminds us of our responsibility to see that the democratic institutions we have the privilege of serving, subserve the cause of people and sustain and preserve the integrity of our country." He further stated:

> This takes us to the crucial role of the Legislature in our day. It has to be the great integrator, bringing together the diverse interests and forces in the society.

> Above all, it has to show qualities of leadership and concern for resolving the problems of the common man. It is here that the different voices in the country must converge to get blended into national consensus. It is, therefore, very necessary that we cultivate the habit of talking to each other instead of at each other. It has to be an ongoing dialogue carried on with civility and mutual respect observing the rules of courtesy and fair play.

One of the objectives of the Conference is that Legislatures should be as efficient as possible so as to match the demands made on it by the system and the people from time to time. In this context, it is desirable that the procedure, the functioning and the infrastructure facilities available with Legislatures are updated periodically so that the Legislatures may keep pace with the changing times. While presiding over the Conference of Presiding Officers held at Gandhinagar in May, 1992, Speaker Shivraj V. Patil stressed this aspect clearly. He said: "It is a matter of some satisfaction that parliamentary democracy has worked in India nearly successfully and has led us to the path of progress and development. But it has also thrown up some problems. We have to apply our mind as to how best these problems can be solved. In a Conference like this, we can focus on the problems faced by the system and help make it more responsive to the aspirations of the people. If our discussions contribute towards achieving our goals in this regard, the aim of holding such a Conference is fulfilled to a great extent."

The ever broadening scope of the Conference of Presiding Officers may also be noticed in the Address by Speaker P.A. Sangma at the 60th Conference in October, 1996 at New Delhi in which he stated: "The Standing Committee of the All India Presiding Officers' Conference has enabled me to set out an agenda of considerable significance in the present political context of our country. The Conference is to deliberate on orderly conduct of business of Legislature vital for the growth of democracy, parliamentary surveillance of the Executive through Committee System, relationship with the Press and electronic media, coverage of the proceedings of Legislatures." As is evident, the themes covered a wide spectrum of issues having a bearing on the functioning of representative institutions in the country.

In the wake of the General Elections held for the Twelfth Lok Sabha resulting in the emergence of 41 political parties in the House, and yet another Coalition Government at the Centre, Speaker G.M.C. Balayogi stressed on the role of the Conference in facilitating the management of contradictions and harmonization of competing interests. While addressing the 62nd Conference in September, 1998 at New Delhi, Speaker Balayogi said: "By now, we have had some significant experience with coalitions at the Centre as well as in the States. Political education comes from experience and this is also a continuous process. The need of the time is to reconcile the interests of stability needed for socio-economic development of our people with the political dynamics inherent in governance through coalition. In the process of this reconciliation, Presiding Officers of Legislative Bodies have to play a crucial role."

It may thus be seen that the Conference has always been fully conscious of its role to adapt to the changing needs of the time.

ORGANIZATIONAL SET-UP AND WORKING

The Speaker of the Lok Sabha is the *ex officio* Chairman of the Conference of Presiding Officers of Legislative Bodies in India. The Secretary-General of the Lok Sabha is the *ex officio* Secretary of the Conference and the Lok Sabha Secretariat functions as the Conference Secretariat. In addition to the Speaker of Lok Sabha, the Conference is attended by the Deputy Chairman of Rajya Sabha, the Deputy Speaker of Lok Sabha and the Chairmen, the Speakers, the Deputy Chairmen and the Deputy Speakers of the State Legislatures in India, including those of Union territories.

In its earlier days, the Conference of Presiding Officers of Legislative Bodies in India was not convened at regular intervals. It was only after the initiative of Speaker G.V. Mavalankar in 1946 that the practice of convening the Conference annually for two to three days started. Notwithstanding the annual feature of the Conference, if required, an Emergent Conference of the Presiding Officers may also be called depending on the exigency. So far, four such Conferences have been held:

(i) On 10 April, 1949 at New Delhi, to consider the matter of having a statutory provision for securing an Independent and Separate Legislature Secretariat free from the control of Executive Government, as the Constituent Assembly was about to begin work on Constitution-making;

(ii) On 6-7 April, 1968 at New Delhi, to take note of certain unusual developments in Punjab and West Bengal regarding the powers of the Governor, the Presiding Officer and the Chief Minister, etc.;

(iii) On 25 April, 1984 at New Delhi, to consider issues arising out of a privilege case pending in the Supreme Court involving the Legislature, the Press and the Judiciary; and

(iv) On 11 February, 1992 at New Delhi, to discuss the matters pertaining to Anti-Defection Law in the light of the Supreme Court's verdict that the Judiciary can review the decisions given by the Presiding Officers under the Tenth Schedule to the Constitution.

The venue of the Conference used to be only Delhi or Simla during the period 1921 to 1950. Consequent upon the acceptance of the suggestion of Speaker Mavalankar to hold the Conference at different Centres, the Conference started to be held in various States from 1951 onwards.

While deciding about the venue and dates of the Conference, the views of the Presiding Officer of the host State and the convenience of the Presiding Officers of other States are also taken into account. Insofar as the agenda of the Conference is concerned, the same is finalised after inviting points for discussion from the Presiding Officers of the State Legislatures. From April, 1990 onwards*, a Standing Committee of All India Presiding Officers' Conference under the Chairmanship of the Speaker of Lok Sabha, who is the *ex officio* Chairman of the Conference, started considering all matters concerning the organisation and conduct of the Presiding Officers' Conference. The Deputy Chairman, Rajya Sabha and the Deputy Speaker, Lok Sabha are *ex officio* Vice-Chairmen of the Standing Committee and the Secretary-General, Lok Sabha is the *ex-officio* Secretary to the Standing Committee.

The functions of the Standing Committee are:

(i) to decide dates and venue of the next Presiding Officers' annual Conference;

(ii) to finalise the agenda, programme and subject for Symposium for the next Presiding Officers' annual Conference;

(iii) to consider all other matters concerning the organisation and conduct of the Presiding Officers' Conference;

(iv) to consider follow-up action, if any, on the decisions/resolutions of the previous Presiding Officers' Conference;

(v) to consider constitutional and parliamentary issues of national/international interest that may arise between two meetings of the Standing Committee;

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*consequent upon the adoption of the First Part of the Report of the Natwarlal C. Shah Committee by the Presiding Officers' Conference at Bhopal in September, 1989.

(vi) to prepare draft amendments to the rules for consideration at the Presiding Officers' annual Conference as and when need arises.

Over the years, it has been felt that the size of the Conference has grown to a large extent and the burden on the host State, financially and otherwise, has increased considerably. This has not only put the Presiding Officers and the Legislature Secretariats of the host States into difficulty but has also discouraged some States, especially the smaller States* to come forward to host the Conference. So far, of the 64 Conferences organised by the States, only five have been hosted by the smaller States.

In the said circumstances, the need for reviewing the existing pattern of the Presiding Officers' Conference, especially with a view to reducing financial burden in hosting the Conference, was felt by the Conference of Presiding Officers of Legislative Bodies in India held at Bhopal on 27 and 28 October, 1971. Since then, the question of evolving a suitable pattern for the organisation of the Conference and its funding has been engaging the attention of the Presiding Officers. So far, three Committees of Presiding Officers under the Chairmanship of Shri Raghavji Leuva, Speaker of the Gujarat Legislative Assembly; Dr. Thambi Durai, Deputy Speaker of the Lok Sabha; and Shri Natwarlal C. Shah, Speaker of the Gujarat Legislative Assembly, have gone through the matter. A final decision is yet to be taken. At present, a Committee of Presiding Officers under the Chairmanship of Shri Dhirubhai Shah, the Speaker of the Gujarat Legislative Assembly, constituted as a result of the Hyderabad Conference of 30-31 May, 2000, is seized of the matter pertaining to the future pattern of the Conference, including funding.

In another development, a new convention was introduced by Speaker P.A. Sangma in 1997 whereby the Conference started electing the Speaker of the host State as the Chairperson/Co-Chairperson to preside over the Conference for that year.

On the first day, the Conference starts with a Welcome Speech delivered by the host. Thereafter, the Chairman of the Conference addresses and inaugurates the Conference. The Inaugural Address, *inter alia*, includes a brief survey of the:

(i) Developments and achievements since the previous Conference;

(ii) New schemes/policies introduced and implemented at the Centre in connection with the Legislature;

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* As mentioned in the Rules of the Standing Committee of All India Presiding Officers' Conference, smaller States are those having less than 100 members in their respective Legislatures.

(iii) Changes introduced in the Rules of Procedure and Conduct of Business and the rulings given by the Chair in the spheres of legislation, Committees, privileges, etc. in Lok Sabha during the previous year; and

(iv) Matters of common interest confronting the Legislatures in the country.

Thereafter follows the discussion on the points on the agenda of the Conference. (For Subjects discussed, *see* Annexure III)

ACHIEVEMENTS AND DEVELOPMENTS

Ever since the institution of the Conference of Presiding Officers of Legislative Bodies in India came into existence, a total of 64 Conferences have been held so far. (For Dates and Venues, *see* Annexure I). These Conferences, among other things, have played a significant role in the evolution of parliamentary democracy in India. The Conference which started with a limited object of "appropriate co-ordination of parliamentary procedure throughout India", has gone a long way in establishing sound and healthy democratic traditions and conventions.

Even in the early years of its existence, when the constitutional set-up in the country had hardly any traces of democratic Government, the Conference did not always regard its scope as confined to procedural matters only. It was as early as in the twenties that the Conference started concerning itself with matters, like the provision of separate and independent staff for Presiding Officers; desirability of securing a convention for the Presidents to be returned unopposed from any constituency; the question of the President of a Provincial Council to be consulted by the Governor before the House was summoned or prorogued, etc. With parliamentary democracy at work in the country, as ordained in the new Constitution after Independence, the Conference has, besides discussing procedural matters, devoted considerable attention to various important developments having a vital bearing on democratic norms and values and institutions in the country, with a spirit as stated by Speaker Dr. G.S. Dhillon in his Address at the Conference at Gandhinagar in December, 1973. He said:

> To ensure development to be in consonance with national ethos is by no means an easy task. It has to be accomplished through the process of consensual democratic politics. And it is Parliament and other Legislatures in India that have to be the great mediators in change. For it is there that the national dialogue has to be articulated and that the contending forces and

> interests of competitive democratic politics have to meet, and come to terms and be harmonized...All this means new burdens and new responsibilities for us. If the parliamentary institutions were to retain their relevance and validity in the new context, we as Presiding Officers have ever to keep before us its destiny, its great ends and purposes. In whatever we do and the way we do, the rules that we frame or administer, the practices and procedures that we devise or follow, it has ever to be our constant care and concern to see that they are apposite to the demands of the changing times.

Working with this spirit, the Conference of Presiding Officers of Legislative Bodies in India has always been a very useful forum of collectivity and wisdom since its inception. Some of the important subjects discussed and achievements made by the Conference are as given below:

Office of the Speaker

An important question that has been engaging the attention of the Conference of Presiding Officers of Legislative Bodies in India throughout its existence, concerns the relationship that should subsist between the Speaker and the political party nominating him for the Office of the Speaker. With a view to making the Office of the Speaker completely independent and free from party politics, the Conference has been striving hard for the establishment of appropriate conventions. The sense of the Conference has always been in favour of the British model where upon his elevation to the high Office, the Speaker severs all connections with his party. His impartiality is further secured by the convention of his unopposed return and election to the Office of the Speaker.

The question assumed greater significance after Independence. Realising the importance of the matter, the Conference held at Trivandrum in July-August, 1951 discussed the matter and passed the following Resolution:

> This Conference is of the opinion that it is desirable in the interests of the development of free democratic institutions in this country that following the practice in the British House of Commons, a convention should be established to the effect that the seat from which the Speaker or the Chairman stands for re-election should not be contested in the elections that are held from time to time. The necessary corollary of the full establishment of this convention would be that the Speaker or Chairman would not take part in party politics. The Conference feels that such a convention is a healthy one and its growth should be encouraged.

The Conference held at Gwalior in October, 1953 again took up the matter and reiterated the said opinion by adopting a Resolution to that effect. Speaker G.V. Mavalankar undertook to discuss the matter with various political parties with a view to creating a consensus opinion in favour of such conventions. He raised this issue before the leaders of the Congress Party and also addressed a letter to the then Prime Minister of India, Shri Jawaharlal Nehru.

The Committee of Presiding Officers headed by Shri V.S. Page, Chairman, Maharashtra Legislative Council, in its report adopted by the 1968 Conference of Presiding Officers held in Trivandrum, also felt that impartiality of the Speaker being an indispensable condition for the successful working of parliamentary democracy, it was essential that the Speaker should sever all connections with the party to which he may have belonged. The Committee felt that a convention should be established that the seat from which the Speaker stands for election or re-election to the House, should not be contested in the elections. Since then, the Conference has been taking up from time to time, the matter of making the Office of the Speaker above politics.

The 63rd Conference held at Hyderabad in May, 2000 unanimously agreed to the constitution of a Committee of Presiding Officers to look into all aspects of the Office of the Presiding Officer, including what safeguards should be provided to protect the independence and objectivity of the Office of the Speaker, etc. Presently, a Committee of Presiding Officers under the Chairmanship of Shri P.M. Sayeed, Deputy Speaker, Lok Sabha has taken up the work in this regard. (For details on some of the important Committees constituted by the Conference from time to time, *see* Annexure V).

Independent Legislature Secretariat

One of the outstanding achievements of the Conference of Presiding Officers is the provision for an independent and separate Legislature Secretariat. The demand for it gained momentum during the period of President Vithalbhai Patel. He was of the opinion that the Legislative Assembly should have its own separate office independent of and unconnected with the Government, and he was successful in getting it endorsed by the Conference of Presiding Officers in January, 1926. When he submitted the scheme for setting up a separate Department or Office to the Legislative Assembly, he made the emphatic declaration: "As the President, elected by the Assembly, I am responsible to the Assembly and to no other authority."

All these efforts resulted in the formation of a separate Legislative Assembly Department legally in the portfolio of the Governor-General with the President (Speaker) as its *de facto* head on 10 January, 1929. The demand once again gained momentum after Independence. In order to ensure a statutory provision for safeguarding the independence of the Legislature

Secretariat in the Constitution of India, an Emergent Conference of Presiding Officers was convened on 10 April 1949 to consider the matter before the Constituent Assembly began its work on Constitution-making.

While expressing his opinion on the subject at the said Conference, Speaker G.V. Mavalankar stated: "It is a well established and accepted principle of parliamentary democracy that the Executive Government should have no hand or no opportunity of influencing, however remotely or indirectly, the working of the Legislature and its Secretariat. It is, therefore, that a Special Secretariat of the Legislature is established."

The Conference unanimously resolved that the Secretariat of the Speaker or the President should be placed on an independent footing and free from the control of Executive Government and that the necessary provisions to that effect should be made in the Draft Constitution. In order to safeguard the position of the Speakers or Presidents of the Provinces and States till the inclusion of the suggested provisions in the Constitution and its coming into force, the Conference further resolved that the relations between them on the one hand and the Executive Government on the other, as also the position of the Legislature Secretariat, should be the same in the case of the Central Legislature till that period.

As a sequel to these efforts, the inclusion of articles 98 and 187 in the Constitution of India provided for separate secretarial staff and independent Legislature Secretariats, both at the Centre and in the States, as an essential condition of democratic Government.

Though 50 years have elapsed after the inclusion of the provision in the Constitution of India, some of the State Legislatures are yet to have independent Secretariats on the pattern of the Lok Sabha and the Rajya Sabha. Time and again, the institution of the Conference has reiterated its unanimous opinion in favour of such an arrangement. It was strongly upheld in 1989, 1992 and 1998 that the Secretariats of the State Legislatures should be independent of the Executive in all aspects, be it financial, administrative or functional. Moreover, the unanimity as in 1989, also favoured to pursue the matter further and to send the consensus opinion in this regard to the Prime Minister and all the Chief Ministers. Subsequently also, the need to pursue the matter vigorously was given due emphasis. The Committee of Presiding Officers headed by the Deputy Speaker, Lok Sabha, Shri P.M. Sayeed, examining all aspects of the Office of the Presiding Officer, is also looking into this matter.

As a corollary to the issue of independence of the Legislature Secretariats, it was at this forum only that the innovative proposal for the creation of an All India Parliamentary Service was mooted and discussed at length. Despite considerable thought and attention to the ways and means of ensuring the same, the proposal is yet to become a reality.

Rules of Procedure and Conduct of Business

Many vital questions pertaining to the Rules of Procedure and Conduct of Business have been engaging the attention of the Conference all these years. The Conference can be credited not only with the evolution of the Rules of Procedure and Conduct of Business in its present form and the solutions to many a complex problem in the field of existing practice and procedure, but also for bringing about a fair degree of uniformity and clarity of Rules of Procedure throughout India.

This forum had especially been of great value to the States and Union territories at the time when their Legislatures were new and had no previous experience in the field. Over the years, various matters concerning procedural aspects like: the term 'Unparliamentary expressions' (September, 1921); 'Grossly disorderly' (September, 1926); Uniformity of Procedural Terminology (September, 1949); Uniformity of Rules of Procedure (January, 1938; August, 1951); Formation and Scope of Financial Committees (October, 1953); Matters concerning breaches of privileges (November, 1955; September, 1956); Matters relating to expunction from proceedings of the House (September, 1956; December, 1981); Point of Order (February, 1963); What type of matters should be allowed in 'Zero Hour' (December, 1969); How to restrict the increasing number of 'No Confidence' Motions (July, 1970); How to deal with disorder in the House at the time of Governor's Address (May, 1992); How to improve the conduct and performance of legislators (1996, 1997, 1998); How to ensure the adequacy of periodicity as well as duration of the sittings of Legislatures (1996, 1997); How to ensure proper management of time of the House (1998, 2001), etc., have come up for discussion during these Conferences.

The question of uniformity of Rules of Procedure and Conduct of Business assumed significance, especially in the wake of the Reorganisation of States in 1956. A Committee of Presiding Officers was also constituted to examine the issue in detail and its report titled "Need for a uniform set of Rules of Procedure and Conduct of Business in all Legislatures in India" was discussed at length in the Conference held in September, 1987 at Srinagar. The unanimity was in favour of a uniform set of Rules throughout the country and the State Legislatures were told to work out the details in this direction, also keeping in mind the necessary variations to suit their local conditions. It is gratifying to note that by now most of the

State Legislatures have framed their own Rules of Procedure and Conduct of Business based on the lines of the *Rules of Procedure and Conduct of Business in Lok Sabha.*

It is also noteworthy to mention that broad uniformity in Rules relating to the working of the Financial Committees and other Parliamentary Committees has also been brought about by holding periodic Conferences of the Chairmen of the said Committees of the Parliament and the State Legislatures. The practice of holding these Conferences was itself a result of the deliberations at the Conferences of Presiding Officers of Legislative Bodies in India.

Keeping track of the changes over the years, the 62nd Conference of Presiding Officers held in September, 1998 at New Delhi, had as one of the topics for discussion the "need for procedural reforms and better management of time of the House." On this occasion, Speaker G.M.C. Balayogi stated: "The Rules have been constantly evolving since Independence in the context of new experiences. The already existing broad uniformity in the Rules of Procedure of the States' Legislative Bodies *vis-a-vis* those of the Lok Sabha could be reviewed and updated every year by a two way process of consultation. The Legislative Wings of Parliament and the States' Legislative Bodies should work in synergy."

With a view to ensuring better time management as well as disciplined behaviour in the House, the Conference recommended:

(i) Organisation of systematic training programme for inculcating a sense of discipline among the members;

(ii) Strict enforcement of the provisions of penalty contained in the Rules against members who indulge in indisciplined behaviour;

(iii) Greater coordination among the Presiding Officers, the Leaders of the Houses and Leaders of the Opposition;

(iv) Proper regulation of the Zero Hour so that the members raise only very serious and urgent issues of public importance;

(v) Conformity to the decision of the Simla Conference of the Presiding Officers that smaller States should have at least 60 sittings in a year and larger States as well as Lok Sabha and Rajya Sabha 100 sittings in a year; these sittings should also be spelt out in terms of an organised calendar as far as practicable, each House deciding its own timings according to local requirements.

The Conference also recommended that the Speaker, Lok Sabha might constitute a Committee of Presiding Officers for reporting within a period of six months, on procedural uniformity and time management. Consequently, a Committee of Presiding Officers was constituted to report on 'Procedural Uniformity and Better Management of the Time of the House'. Its report was considered and adopted at the 64th Conference held in Chandigarh on 28 and 29 June, 2001. The recommendations of the Committee, *inter alia,* include:

(i) There should be some constitutional provisions regarding the minimum number of sittings of Legislatures. It should be 100 sittings for the bigger States and 60 sittings for the smaller ones;

(ii) There should be more time available for non-Government Business and two days in a week should be allotted for Private Members' Business;

(iii) Ethics Committees or Code of Conduct Committees should be constituted to look into the conduct of members; and

(iv) There should be training programmes for the members in parliamentary procedure, practices, processes, etiquette and decorum.

Discipline and Decorum in Legislature

The need for maintaining discipline and decorum in Legislatures can hardly be over-emphasized. It is a pre-requisite for a successful parliamentary democracy. The incidents of disruptions during President's/ Governor's Address, pandemonium and unruly scenes, defiance of the authority of the Chair, forced adjournments, etc. in Legislatures due to deterioration in the conduct of legislators have been a matter of grave concern to all those connected with the working of parliamentary democracy. Fully conscious of the gravity of the issue, the Conference of Presiding Officers of Legislative Bodies in India has often focused its attention on it. The Conference has likewise helped appreciably in clarifying the purpose and scope of the powers, privileges and immunities of Legislatures and their members, making the righteous conduct of members assume special significance.

In this connection, the following observation made by Speaker M.A. Ayyangar in his Address to the Presiding Officers' Conference at Darjeeling in October, 1958, while speaking on the question of maintaining decorum and dignity on the occasion of President's/Governor's Address, is worth mentioning:

> A Governor is the Constitutional Head of the State and is above party politics. His Address is a Statement of Government policy and he delivers it under statutory provision embodied in the Constitution itself. Solemnity and dignity on this occasion are of the utmost importance. Moreover, under the oath taken by him, the member affirms his allegiance to the Constitution. Any untoward incident on his part is not only unbecoming of him but is also at variance with the oath taken by him.

As a corollary to this, attempts have been made to evolve a Code of Conduct for legislators. Fully inclined to the dignity of the Legislatures and the future of democracy, the Gandhinagar Conference in May, 1992 suggested that an All-India Conference of all those concerned with the business of the House should be convened to deliberate on the issues of discipline and decorum in Legislatures. As a sequel to this, a two-day All-India Conference of Presiding Officers, Leaders of Parties, Ministers of Parliamentary Affairs, Whips, Parliamentarians, Legislators and Senior Officers of Parliament and State Legislatures on 'Discipline and Decorum in the Parliament and State Legislatures' was held in the Central Hall of Parliament on 23 and 24 September, 1992. During the Conference, the delegates dwelt on many related aspects such as disorders and disturbances in the House during the President's and Governor's Addresses, training of legislators, Code of Conduct for members, etc. The basic and unequivocal concern of the participants was the effective use of the time of the House and an orderly conduct of the business of the House.

The Speaker, Lok Sabha, Shivraj V. Patil, in his welcome Address said that the Rules of Procedure followed by Legislatures themselves provided as to how everybody concerned was expected to conduct himself in the Legislatures. It might not be necessary to have a separate Code of Conduct if all followed the rules properly. The purpose of having a Code of Conduct would automatically be achieved.

In his Inaugural Address, the then Vice-President of India and Chairman of Rajya Sabha, Shri K.R. Narayanan cautioned that the perpetual disorders and disturbances in the House would jeopardize the future of democratic system in India. However, he optimistically observed that the current trend of disorders and disturbances was not going to be a permanent fixture of our parliamentary institutions. "They are", he said, "like the infantile disorders or the measles of the middle-aged. They are bound to pass, but pass they must, otherwise the system will be in mortal danger." In his opinion, to contain this, the responsibilities lie with the elected representatives, the Government, the Opposition, the political parties and the Presiding Officers. In his Address, the then Prime Minister, Shri P.V. Narasimha Rao said that though the rules followed in the Legislatures provided for some kind of Code of Conduct, it had become necessary to review the existing provisions *vis a vis* actual experience. About decorum, he made a distinction between two types of decorum — one consists of the respect which parties in the House show to each other, and the other is that in which respect is shown to the Speaker or the Presiding Officer.

Speaking at the Conference, veteran parliamentarian, Shri Atal Bihari Vajpayee recalled the high traditions of the earlier Lok Sabhas and the contributions of eminent parliamentarians and referred to the immediate need to enforce discipline and maintain decorum in Legislatures and make these institutions meaningful and effective. He made an impassioned appeal to evolve a consensus by all political parties to restrain from demanding suspension of the Question Hour and maintain decorum at the time of Addresses of the President/Governors while performing their constitutional duty. The Conference concluded after adopting a unanimous Resolution dealing with various aspects of the main theme of the Conference. (For the text of the Resolution, *see* Appendix I).

Despite these efforts, the problem has persisted, making the Conference of Presiding Officers of Legislative Bodies in India to address the issue again in its subsequent meetings. In his Address at the 60th Conference in October, 1996, Speaker P.A. Sangma expressed his view on what is orderly conduct which is conducive to the growth of democracy:

> The matter should not be too literally construed. It does not refer merely to the demeanour of individual members in the House. It refers to the totality of conduct of members inside and outside the House; their collective self-regulation in time management in the House; conformity to parliamentary party discipline; adherence to decisions of the Business Advisory Committee; compliance with conventions; co-operation in decentralised style of functioning; respect for Private Members' Business; and making good governance, in its broad sense, possible...The Rules of Procedure and Conduct of Business in the House is not a book of empty rituals. It is a Code of Conduct for decorous and orderly transaction of business. Continuous conformity to it needs to be elegantly ensured by the Presiding Officers.

The 60th Conference unanimously reiterated what had been suggested in the past and emphasised on the need for appropriate measures to be taken by political parties for the right choice of candidates to Legislatures, including their education and training, particularly of the new ones in the

Rules of Procedure and Conduct of Business of Legislatures and in parliamentary decorum when they gain entry into the Legislatures. The Conference further resolved that such persons should occupy the office of the Presiding Officers of Legislatures who have aptitude for maintaining proprieties and orderly conduct of business, who should be reputed for their impartiality, tact, understanding and sympathy and who should be capable of infusing confidence in members. Above all, the Conference expressed the view that the constitution of Ethics Committees of the Legislatures might be examined for ensuring basic standards of probity of members. The Conference held in October, 1997 also reiterated most of the suggestions made in October, 1996 with an emphasis that the "Code of Conduct for members of Legislatures in and outside the House" recommended by the All India Conference on Discipline and Decorum held in September 1992, should be systematically implemented. In this connection, it needs to be mentioned that the constitution of the Ethics Committees of Rajya Sabha in March, 1997, of Lok Sabha in May, 2000 and of various State Legislatures could be traced to the efforts of the Presiding Officers' Conferences.

The 64th Conference of Presiding Officers held at Chandigarh in June, 2001 also took a serious view as regards the incidents of disruptions and unruly scenes in Legislatures. There was consensus that demands to suspend the Question Hour, which provides prime time to members to seek information and ensure accountability of the Government, should be discouraged. The need for the constitution of Ethics Committees by the State Legislative Bodies was also considered imperative. The Conference unanimously resolved to convene a high level Conference of Presiding Officers, Chief Ministers, Leaders of Parties in Parliament and State Legislatures, Ministers of Parliamentary Affairs, Chief Whips and others to discuss measures to contain this trend and to effectively maintain discipline and decorum in the House before parliamentary values are further eroded and things go beyond a point of no return.

Consequently, an All India Conference of Presiding Officers, Chief Ministers, Ministers of Parliamentary Affairs, Leaders and Whips of Parties on 'Discipline and Decorum in Parliament and Legislatures of States and Union Territories' was held in New Delhi on 25 November, 2001 which was inaugurated by the Vice-President of India and Chairman, Rajya Sabha, Shri Krishan Kant. After day-long deliberations on the subject, the Conference unanimously adopted a Resolution and a Code of Conduct which, *inter alia,* resolved that the prestige of Parliament and Legislatures be preserved by adopting and enforcing a Code of Conduct, necessary changes be made in the Rules of Procedure of all Legislatures, violation of Code of Conduct be duly punished, Ethics Committees be constituted in all the Legislatures, political parties may lay down parameters with emphasis on proven standard in public life for election of candidates for elections, the Treasury and Opposition benches in the House be more tolerant, accommodative and understanding towards each other, proper training and orientation, especially of new members, in parliamentary procedure, discipline and decorum, be imparted, etc. (For the text of the Resolution, *see* Appendix II). The Code of Conduct for members of Parliament and Legislatures of States and Union Territories, *inter alia*, provides for:

(i) Code of Conduct for members inside the House;

(ii) Code of Conduct for members during President's/Governor's/ Lieutenant Governor's Address;

(iii) Code of Conduct for members in Parliamentary Committees/ Committees of Legislatures of States and Union territories;

(iv) Code of Conduct during delegations to foreign countries;

(v) Code of Conduct for members outside Parliament and Legislatures of States and Union territories and General Ethical Principles;

(vi) Procedure for dealing with complaints regarding breach of Code of Conduct; and

(vii) Punishment for breach of Code of Conduct.

Committee System

Due to an unprecedented growth of governmental activities over the years, Parliament had been finding itself handicapped in ensuring administrative and financial accountability of the Executive. Enormous budgetary allocations of various Ministries were also being passed by Parliament without sufficient debate for want of time. Year after year, the Demands for Grants of most of the Ministries/Departments were being guillotined. The need for some kind of an institutional mechanism to undertake an in-depth scrutiny of the Demands for Grants was being felt all over the country. The successful experience of the Departmentally-related Select Committees in Kerala and in the British House of Commons and other countries provided the base to think in the direction of evolving such a Committee System in India.

In this connection, the Conference of Presiding Officers of Legislative Bodies in India successfully served as one of the forums to ensure full co-operation from all quarters to make the Subject-based Committee System a reality in the parliamentary history of India. The Conference delved deep into the issue in 1978, 1981, 1984 and 1985. A Committee of Presiding Officers set up to examine the issue of 'Committee System' in pursuance of the decision at the Presiding Officers' Conference held at Bhubaneswar in January, 1978, recommended that a beginning in this direction could be made by setting up *ad hoc* Budget Committees for pre-voting scrutiny of the Demands for Grants. The report of the Committee was considered and adopted at the Presiding Officers' Conference held at Lucknow in 1985.

On 18 August, 1989, Parliament constituted three Subject Committees—one each on Agriculture, Science and Technology, and Environment and Forests on an experimental basis. The viability of this experiment was soon in evidence so much so to make it feel that Parliament should go in for a full-fledged Committee System. The Conference of Presiding Officers held in May, 1992 also had a consensus in favour of the Subject-based Committee System which should help not only in an in-depth pre-voting scrutiny of the Demands for Grants but also in formulating the plans and policies of the Ministries. The Lok Sabha Speaker, Shri Shivraj V. Patil took the initiative and held discussions with the Prime Minister, Leaders of various political parties, members and others concerned. The matter was also considered by the Rules Committee of both Houses. Finally, the Rules Committee of both Houses recommended the setting up of seventeen Departmentally-related Standing Committees of Parliament, which was adopted by the two Houses paving the way for the setting up of these Committees covering under their jurisdiction all the Ministries/Departments of the Union Government. On 31 March, 1993, at a function held in the Central Hall of Parliament, the Vice-President of India and Chairman, Rajya Sabha, Shri K.R. Narayanan formally inaugurated the new Departmentally-related Standing Committees.

The Conference of Presiding Officers held in October, 1996 adopted a Resolution considering it desirable to make the Committee System functional in all the State Legislatures; to remove the inadequacies of the existing Committee System; and to improve and make time-bound the implementation of the recommendations of the Committees. The need for the same was re-affirmed in subsequent Conferences held in 1997 and 1998, further adding that the Committee reports should be discussed in detail by the Legislative Bodies in adequate number of sittings and the members should use the system as an effective forum to deliberate on legislations above party considerations. The results of the ceaseless efforts of the Conference are visible today with many State Legislatures having opted for Subject-based Committees.

Powers, Privileges and Immunities of Legislatures

Another important aspect which has drawn the attention of the Conference frequently is the powers, privileges and immunities vested with Legislatures and their members and related issues. In India, while some of the privileges have been specified in the Constitution of India, the Statutes, and the Rules of Procedure and Conduct of Business in the Houses, the others are based on precedents and conventions.

The matter of giving the powers, privileges and immunities, as enjoyed by the House of Commons, to the Legislatures of India, both Central and Provincial, has been considered, time and again, at the Conferences of Presiding Officers of Legislative Bodies in India since 1921. A memorandum to that effect, as signed by President (Speaker) Shanmukham Chetty, was addressed to the Clerk of the Joint Select Committee, House of Lords, London in 1933 when the discussion on the Government of India Bill was taking place in the British Parliament. The question was again taken up at the Presiding Officers' Conference in 1938. President Abdur Rahim addressed a memorandum for the said purpose to the Government of India to be forwarded to the authorities concerned. Paragraph 5 of this memorandum stated as follows: "The Conferences were unanimously and emphatically of opinion that the Government of India should be requested to take immediate steps to get sections 28 and 71 of the Government of India Act, 1935 amended so as to secure for the Central and Provincial Legislatures and the officers and members thereof all the powers and privileges which are held and enjoyed by the Speaker and members of the British House of Commons."

Subsequently, at the instance of Speaker G.V. Mavalankar, as far as the Centre was concerned, section 28 of the Government of India Act was amended by an Adaptation Order, dated 31 March, 1948. As adapted, section 28(2) read as follows: "In other respects, the privileges of members of the Dominion Legislature shall be such, as may from time to time be defined by Act of the Dominion Legislature and until so defined, shall be such as were immediately before the establishment of the Dominion enjoyed by the members of the House of Commons of the Parliament of the United Kingdom."

Another aspect which the Conference has been discussing over the years in this regard, is the powers, privileges and immunities of Legislature *vis-a-vis* the Judiciary. The point for discussion before the Conference held in Bombay in 1965 was the course of action that should be adopted by the Presiding Officers in view of the opinion of the Supreme Court on Special Reference No.1 of 1964* regarding the conflict between the U.P. Vidhan Sabha and the Allahabad High Court. The Supreme Court, in its majority opinion, had held that the powers and privileges conferred on State Legislatures by article 194(3) were subject to the Fundamental Rights and that the Legislatures did not have the privilege or power to the effect that their general warrants should be held to be conclusive. The Presiding Officers' Conference considered the matter in its entirety and came to the conclusion that contrary to the clear provisions of articles 105 and 194 of the Constitution relating to the ouster of the jurisdiction of Courts regarding powers, privileges and immunities of Legislatures and its members, the opinion of the Supreme Court had reduced the Legislatures to the status of inferior Courts and had implications that would deter the Legislatures from discharging their functions efficiently, honestly and with dignity. In this context, the Conference resolved that the intention of the Constitution-makers be made clear. The operative part of the Resolution reads as: "Now, therefore, this Conference considers that suitable amendments to article 105 and 194 should be made in order to make the intention of the Constitution-makers clear beyond doubt so that the powers, privileges and immunities of Legislatures, their members and Committees could not, in any case, be construed as being subject or subordinate to any other articles of the Constitution."

The question once again came into focus in 1984 in the wake of the issues arising out of the two privilege cases relating to the Andhra Pradesh Legislative Council and the Kerala Legislative Assembly pending before the Supreme Court. As the privileges of Legislatures were involved, an Emergent Conference of Presiding Officers was convened on 25 April, 1984 in New Delhi. While reiterating the supremacy of the Legislature under the Constitution and faith in the independence of the Judiciary and the freedom of the Press, the Presiding Officers of Legislative Bodies in India who assembled in the Emergent Conference, unanimously resolved:

> "(i) that under articles 105 and 194 of the Constitution, the Legislatures in India had and were intended by the founders

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* Special Reference No. 1 of 1964—

(Reference by the President of India under article 143(1) of the Constitution of India regarding the powers and jurisdiction of the High Court and its Judges in relation to the State Legislature and its officers and regarding the powers, privileges and immunities of the said Legislature and its members in relation to the High Court and its Judges in the discharge of their duties).

of the Constitution to have exclusive jurisdiction to decide all matters relating to the privileges of the House, their members and Committees without any interference from the court of law or any other authority;

(ii) that rules framed under articles 118/208 are not subject to scrutiny by any court of law and the provision regarding their being subject to constitutional provisions refers to only the provisions regarding Rules of Procedure enshrined in the Constitution and not to all other provisions;

(iii) that mutual trust and respect must exist between the Legislatures and courts each recognising the independence, dignity and jurisdiction of the other inasmuch as their roles are complementary to each other;

(iv) that, if necessary, an amendment might be made in the Constitution so as to place the position beyond all shadow of doubt."

The need for the same was also emphasized at the September, 1989 Conference in Bhopal with reference to a notice issued by the Supreme Court to the Speaker, Andhra Pradesh Legislative Assembly. Keeping in mind the delicate nature of the matter, the issue of the relationship between the Legislature and the Judiciary was referred to a Committee of Presiding Officers on 'Measures to Promote Harmonious Relations between the Legislature and the Judiciary', which was constituted on the recommendations of the Conference of Presiding Officers held in Madras in June, 1993. Having carefully considered all aspects, the Committee emphasised the need to maintain and strengthen the harmonious relations between the Legislature and the Judiciary. The Committee examined whether codification of privileges would help in bringing about greater clarity on the subject and thereby reduce the areas of conflict between the Legislature and the Judiciary. The Committee, however, opined: "codification will not *ipso facto* ensure greater harmony between the Legislature and the Judiciary. It may, on the other hand, create other unforeseen problems. The Committee observes that the Constitution has allotted specific duties and responsibilities to the Legislature and the Judiciary and their roles are intended to be complementary to each other. It would, therefore, be in the best interests of democracy in the country if both function with mutual trust and respect, each recognising the independence, dignity and jurisdiction of the other."

The Conference held in May, 2000 at Hyderabad also reiterated the need for harmonious co-existence between the principal organs of the Government respecting the broad principle of separation of powers.

In connection with the powers, privileges and immunities of Legislature and its members, the codification of privileges is another issue which has also come up for discussion on several occasions at the Conference of Presiding Officers. Expressing his opinion on the issue, Speaker G.V. Mavalankar observed at the Conference held in August, 1950:

> There will be two great difficulties and handicaps if we were to think of any legislation in respect of the privileges. These are:
>
> (i) Any legislation at the present stage would mean legislation only in regard to matters acceptable to the Executive Government of the day. It is obvious that, as they command the majority, the House will accept only what they think proper to concede. It is important to bear in mind that the privileges of members are not to be conceived with reference to this party or that party, but as privileges of every member of the House, whether he belongs to Government or the Opposition Party. My fears are, therefore, that an attempt at legislation would mean a substantial curtailment of the privileges as they exist today.
>
> (ii) My second reason is that any legislation will crystallize the privileges and there will be no scope for the presiding authorities to widen or change the same by interpretation. Today they have an opportunity of adapting the principles on which the privileges exist in the United Kingdom to conditions in India.

The Conference held at Rajkot in January, 1955 unanimously decided that the codification of privileges was neither necessary nor desirable. The same opinion continued to be the consensus opinion at most of the subsequent Conferences of Presiding Officers whenever the question of codification of privileges came up for discussion.

Anti-Defection Law

Another matter relating to privileges and which also has bearing on the relationship between the Legislature and the Judiciary is related to the provisions of the Anti-Defection Law. It was as early as in 1967 that the Conference of Presiding Officers helped evolve a national consensus by expressing its great concern and unequivocally condemning the tendency of floor crossing for purely selfish motives. Since then, the Conference has been in favour of evolving effective provisions to check the menace of political opportunism. These efforts fructified in 1985 when the Constitution

(Fifty-second Amendment) Act, commonly known as the Anti-Defection Law, was enacted in order to deal with the problem.

As the Presiding Officers of some of the State Legislatures were faced with difficulties in implementing the Anti-Defection Law, this matter has also engaged the attention of the Conferences of Presiding Officers several times. An Emergent Conference of the Presiding Officers of Legislative Bodies in India was convened on 11 February, 1992 in New Delhi under the Chairmanship of Speaker Shivraj V. Patil, to take stock of the situation following the Supreme Court's decision that the Judiciary could review decisions given by the Presiding Officers under the Tenth Schedule of the Constitution. Strong reservations were expressed at the Conference that the issue had assumed the nature of some sort of a confrontation between the Legislature and the Judiciary. This kind of situation should not be allowed to continue in future; at the same time, the authority of the Presiding Officers to conduct the business in Legislatures should remain intact. The Committee of Presiding Officers on 'Measures to Promote Harmonious Relations between the Legislature and the Judiciary' (constituted in 1993), *inter alia,* examined parliamentary privileges as well as the Anti-Defection Law *vis-a-vis* the Judiciary and submitted its Report in 1994 to the Conference held in Bhubaneswar. In the view of the Committee, the operation of the Anti-Defection Law has revealed several lacunae and deficiencies. As a result, while deciding the cases under the Law, the Presiding Officers have given varied interpretations to its provisions. The Committee explored the possibility of entrusting the power to decide cases under the Law to a judicial body without involving the Chairman/Speaker of the House and opined that "although such an arrangement may have several obvious advantages, it may create new areas of conflict."

The Committee examined the issue and opined that one of the following options could be followed in dealing with cases under the Anti-Defection Law:

(i) The concerned Chairman/Speaker may decide the case and an appeal against such decision may lie in the Supreme Court of India, if the case relates to either House of the Parliament; or the concerned High Court, if the case relates to a State Legislative Council/Assembly.

In such a case, the Chairman/Speaker, who acts as a judicial authority while deciding a case under the Anti-Defection Law, should not be a necessary party to such proceedings and appropriate laws should be drafted/amended to provide for appeals to be filed against such decisions in the nature of an appeal from a Judgment by a court of law.

(ii) The concerned Chairman/Speaker may decide the case and an appeal against such decision may lie jointly with the President and Vice-President of India, if the case relates to the Rajya Sabha; or the President of India, the Vice-President of India and the Speaker, Lok Sabha, if the case relates to the Lok Sabha; or the Governor of the State and the Chairman of the Legislative Council, if the case relates to the Legislative Council of a State; or the Governor of the State, the Chairman of the Legislative Council, if any, and the Speaker of the Assembly, if the case relates to the Legislative Assembly of a State.

(iii) The case may be decided by a Committee of Senior Members of the House and an appeal against the decision may lie with the concerned Chairman/Speaker of the House.

(iv) Any other procedure which may be agreed upon by the three organs of the State, namely, the Legislature, the Executive and the Judiciary.

While expressing his views on the subject at the 62nd Conference in September, 1998, Speaker G.M.C. Balayogi stated:

> Indeed, there are several ambiguities and lacunae about the Anti-Defection Law. So, interpretation of the Law becomes difficult and has not also been uniform. Controversies have arisen in the matter of verifying splits in original political parties; time from which splits become effective; conclusiveness of splits; engineered splits; voluntary withdrawal of membership; consequences of expulsion of members from political parties, etc. Presiding Officers also get involved in controversies because of different interpretation given by them in the application of the various provisions of the Anti-Defection Law. In this context, there is even a suggestion that matters relating to splits and mergers of parties are best left to the Election Commission. In any case, the Supreme Court have ruled that decisions on the application of the Anti-Defection Law are subject to judicial review.

The 62nd Conference of Presiding Officers pointed out some of the main problems experienced in the implementation of the Anti-Defection Law:

(i) Controversies, particularly based on judicial pronouncements about the determination of splits with reference to vertical divisions within the original political parties;

(ii) Absence of definitions of important expressions;

(iii) Continuance of membership of legislators in parties despite their expulsion in view of the deeming provision in the explanation under paragraph 2(i);

(iv) Lack of clear legal sanctity for treating expelled members as unattached;

(v) Lack of provision for *suo motu* intervention by Presiding Officers in cases of defection;

(vi) Lack of detailed procedures for consideration of cases of defections involved in splits and mergers by the Presiding Officers;

(vii) Non-existence of time limit within which Presiding Officers are to take decisions;

(viii) Non-existence of provision for appeal against decisions of the Presiding Officers;

(ix) Striking down of paragraph 7 ousting the jurisdiction of courts, reducing the Presiding Officers to the position of mere Tribunals.

The deliberations of the Conference have proved to be of great help to the Presiding Officers in deciding the matters relating to the application of Anti-Defection Law in their respective States. At present, a Committee of Presiding Officers under the Chairmanship of the Speaker of the West Bengal Legislative Assembly, Shri Hashim Abdul Halim, is seized of the matter.

Thus, it may be seen that the Conference of Presiding Officers of Legislative Bodies in India has by now achieved permanency and has proved to be of great value in strengthening parliamentary institutions in the country. Over the years, it has successfully provided a forum to evolve sound and healthy traditions, and strengthen democratic norms and values. Starting with a limited object of evolving appropriate parliamentary practices and procedures for the evolution of parliamentary democracy, the Conferences have left an indelible imprint on our parliamentary history through recommendations, resolutions, decisions and consensus opinions. Notwithstanding the recommendatory and non-binding nature of their opinion, the Conferences have rendered a great service to the nation as they help in focusing attention on matters of grave concern. They carry a great weight as they are in the nature of agreed guidelines. As stated by

Speaker Shivraj V. Patil: "The Conference may not be able to solve all the difficulties,... drawbacks, mistakes and lacunae involved in the system followed in our country. We may, however, discover as to what and who are responsible for the same. We may find out some remedies and solutions at such Conferences. It may help us reduce the difficulties and problems, and help us to evolve a sort of mutual understanding and unwritten agreement which would go a long way in raising the standards of our parliamentary performance and functioning."

2. SYMPOSIA HELD AFTER THE CONFERENCES OF PRESIDING OFFICERS OF LEGISLATIVE BODIES IN INDIA

A new chapter in the history of the Conference of Presiding Officers of Legislative Bodies in India was opened when the proposal of holding a Symposium in addition to the routine programme of the Conference was set in motion. The first such Symposium coincided with the Golden Jubilee Conference of Presiding Officers of Legislative Bodies in India in October, 1972. The intention behind organising such a Symposium was to provide a forum for discussing in depth issues of national importance so as to evolve reasonable and acceptable conventions. Since then, the practice of holding a Symposium at the time of the Conference has become an integral part of the Conference of Presiding Officers.

As regards the pattern of conducting the Symposium, it was decided at the October, 1972 Conference that the Symposium should be held under the auspices of the Indian Parliamentary Association, one at Delhi and the other at the time of the Presiding Officers' Conference every year. In addition to the Presiding Officers of the Legislatures, Ministers, and members of Parliament and of State Legislatures also participate in the Symposium. The Speaker of the Lok Sabha is the Chairman of the Symposium. The Chairman of the Symposium delivers the Welcome Address at the outset. Thereafter, generally the Chief Minister of the host State inaugurates the Symposium, which is followed by a discussion on the topic selected.

So far, 24 Symposia have been held (For Dates, Venues and Themes, *see* Annexure VI). The subjects which have evoked enthusiastic and meaningful discussions during these years, *inter alia,* include the need for constitutional reforms; Parliament, people and administration; coalition governance; the role of the Opposition; the role of the legislators; the role of the Committees and the need to reform the Committee System; the Office of the Speaker and the independence of Legislature Secretariat; electoral reforms; Vision for Indian Legislatures in the 21st Century, etc.

Joining the national debate on Constitutional Reforms in the 1970s, the Symposium on the 'Need for constitutional reforms in the context of new programme of economic growth and social justice' in June, 1976 gave the Presiding Officers and others an opportunity to discuss the same. Discussions were held on five aspects of reforms, namely, Constitution Amendment to protect and promote social legislations; constituent power of Parliament; Judicial Review of legislation and interpretation of the Constitution; Constitution Amendment in regard to the right to property and the right to work; and constitutional reforms in regard to parliamentary procedure. Upholding the paramountcy of Parliament, there was a general agreement among the participants for the inclusion of the concept of Socialism and Secularism to the concept of Sovereign Democratic Republic in the Preamble, supremacy of the Directive Principles of State Policy over that of Fundamental Rights in the case of socio-economic reforms/ legislations, and to make the right to work a Fundamental Right. Also touching upon the aspect of parliamentary procedure, the need to improve the same was emphasised to ensure that laws be adopted after careful consideration, proceedings be marked with discipline and decorum, members be made to attend the House in large number by enhancing the requirement for quorum, and the independence of the Legislature Secretariat be maintained in letter and spirit.

The Parliament of India occupies a pivotal position in our democratic polity. The core point, which has been emphasised through the Symposia held so far, is that the Legislature is the mirror of people's aspirations. It is at this forum that the ideas, hopes and fears, urges and grievances of the people find expression in an articulated manner through their representatives. The legislative institution can play an effective role in meeting people's aspirations, bringing about social change, maintaining national integration, etc. only if the legislators perform their functions and duties with selflessness and dedication. The consensus at the Symposium on 'Parliamentary Decorum' held in October, 1984 clearly recognised that the conduct of legislators, both inside and outside the House, should be such as would help not only in maintaining the efficiency of the Legislatures but also in enhancing respect for these institutions in the hearts of the people. While discussing the 'Role of Legislatures in National Integration' held in October, 1986, the legislators were reminded of the oath which they take on their being elected to Parliament and State Legislatures, to uphold the Constitution and the integrity and sovereignty of the country. They were urged to realise that the concept of 'Dharma' is to tread the right path, to follow the right path and to enlighten the masses accordingly. It requires them to work with national perspective and downgrading such appeals which are based on narrow lines of caste, creed, region, religion, language, etc.

Fully concerned with the limited availability of time and the value of public money involved, the need for an orderly conduct of debates and discussions in Legislatures has been selected as the focal point of the Symposia time and again. The Symposia held in 1978, 1981, 1982, 1984, 1993 and 2001 deliberated on this crucial aspect. Debates and discussions have always been considered as an interactive process through which the larger interests of the people and the nation are aggregated, articulated and put into legislative and policy measures. As stressed during the discussion on the topic 'How to raise the level of debates in the House' in June, 1993, the object before the legislators should always be to pay equal attention to all the aspects of functioning of the Legislatures, *i.e.* passing of the laws, approving of the Budget, holding the Government accountable, etc. In this connection, increasing instances of violation of discipline and decorum in Legislatures has been a matter of serious concern throughout. Several attempts with focused discussions have been made to evolve means to ensure high standards of behaviour on the part of the legislators conforming to accepted ethical norms. Remedies were sought to be found in scrupulous adherence to the Rules of Procedure, to the customs, conventions, etiquette in the interest of parliamentary decorum, meaningful use of opportunities available to the legislators in the House and the Committees, etc. Above all, during these Symposia, participants have appealed for a national consensus for the evolution of a Code of Conduct for legislators with a view to instilling in them the ethos of public life.

Keeping in view the severity of the problem of corruption, criminalization of politics and imperative of ethics in public life, the need to constitute Ethics Committees in Indian Legislatures was emphasised during the Conference of Presiding Officers of Legislative Bodies in India in 1996. The issue was deliberated upon threadbare at the Symposium on 23 October, 1997 under the theme 'Need for constitution of Ethics Committees in Legislatures'. The Symposium adopted a Resolution to that effect and called upon the State Legislative Bodies to establish Ethics Committees to oversee the moral and ethical conduct of members in order to ensure probity in public life. (For the text of the Resolution, *see* Appendix III).

The Symposium on 'Indian Legislatures — Vision for 21st Century' in June, 2001 projected an image of a well-disciplined, tolerant, broad-minded, techno-savvy, better-informed and, above all, democratic-spirited legislators to help realise the vision of Indian Legislatures in the 21st Century.

Since it is imperative that adequate and ample channels should be made available to the legislators to enable them to fulfil their duties and responsibilities properly, the need for strengthening the same has been felt during the Symposia, every now and then. Some of the valuable suggestions like: to review and update the Rules of Procedure periodically in order to do away with trivial formalities and make them grow with new challenges; to further strengthen the existing Committee System in the Legislatures; to evolve consensus about having longer and more frequent sessions; evolution of better understanding between the Government and the Opposition by having more and frequent meetings of the Prime Minister or the Chief Minister, as the case may be, and the Leaders of various political parties, etc. came out of the deliberations at the Symposia held in 1974, 1978, 1981, 1982, 1984, 1989, 1996, etc. In order to further strengthen the system, the Symposium held in December, 1973 also laid emphasis on maintaining sound traditions as regards the Office of the Speaker. The Office of the Speaker was considered as the manifestation of independence and impartiality of service to the House. Having a special responsibility in guiding the Legislature on proper lines, the Speaker should do justice to all the sections of the House in such a way that it is manifestly evident that justice is being done. To ensure the same, suggestions like the unopposed election of the Speaker, independent Legislature Secretariat, provision regarding pension of the Speaker, etc. have come up for consideration.

With the remarkable advances in information technology, the need for modernisation and computer training programmes for legislators and computer connectivity among legislative libraries is increasingly being felt. There are no two opinions that the crucial input that goes into an effective policy or legislation is the quality and quantum of information available to the legislators. At the time of identifying the issues which pose challenges to the 'Indian Legislatures — Vision for 21st Century' in June, 2001, the participants emphasised the need for legislators to be techno-savvy and better-informed in order to be able to make ample use of information technology to participate in the deliberations in an effective manner. The Symposium unanimously agreed in favour of harnessing information and communication technologies in the service of Legislatures and strengthening legislative libraries with computer connectivity, so that legislators get the latest, objective, authentic and timely information which is indispensable for their effective and meaningful participation in debates.

Another basic principle which has been the subject of discussion at several Symposia is the control of Parliament over the Executive. The element of Executive accountability in essence connotes the Government's obligation to reveal, explain and justify its policies and actions to the Legislature. The rationale behind the same is to enable the Legislature to oversee and scrutinize governmental activities and, thereby, to satisfy itself that public policies remain in consonance with the needs and aspirations of the people and are efficiently implemented. Rapid and voluminous increase in the activities of the Executive over the years have led the Presiding Officers and legislators to search for diverse means in order to strengthen the edifice of accountability. The useful work done by Parliamentary Committees in enforcing Executive accountability to Legislature is widely acknowledged by all. Over the years, there has been considerable discussion on the question of reforming the Committee System, particularly with a view to achieving a wider and more effective scrutiny of governmental activities. Following a large increase in the Statutory Bodies like companies, corporations, etc. engaged in commercial and industrial activities, the State Legislatures were recommended to have their own Public Undertakings Committees in October, 1972 while deliberating on the topic of 'Legislature and Autonomous Bodies'.

The issue also engaged the attention during the Symposium in January, 1978. While deliberating on the 'Role of Committees in Calling the Executive to Account—Existing Position and Possible Directions of Development', the Symposium expressed a great desire to strengthen the existing Committee System. The need for the same was further reiterated at the Symposia held in 1981, 1982 and 1984. The need for a detailed pre-voting scrutiny of the Demands for Grants of the Ministries brought forth the in-depth consideration of the subject 'Budget Committees in Parliament and State Legislatures' at the Symposium held in January, 1989. The unanimity was in favour of putting the concept of Budget Committees into practice to give momentum to parliamentary surveillance over the Executive. The deliberations and the recommendations emerging therefrom contributed in no small measure towards the setting up of the seventeen Departmentally-related Standing Committees in Parliament.

There have been occasions in the past when instances of jurisdictional propriety were raised by each of the three organs of governance, *i.e.*, the Legislature, the Executive and the Judiciary. Sometimes the Legislature has felt that the Executive has not been showing adequate responsiveness to the concern over specific matters raised by the legislators on the floor of the House or in the Committees. In other instances, the Legislature and the Judiciary have differed on some issues, especially on questions relating to the interpretation of the Anti-Defection Law as also in matters pertaining to privileges of the Legislature and its members. As regards the relations between the Legislature, the Executive and the Judiciary, the Symposium held in October, 1996 emphasised that the three arms of governance should respect each other's jurisdiction and function within the constitutional mandate as laid down in the Constitution. They should function in harmony and cordiality to establish an open society, the hallmark of which should be transparency of action. The three organs should strive to get the Constitution to be wielded as an instrument of social change. A call was also made to enact the Lokpal Bill bringing under its purview authorities in high places, including the Prime Minister and the Judges.

In a search for harmonious relations between the Parliament and the Press, the Presiding Officers and the legislators debated extensively and expressed their views on the matter in September, 1987. Deliberating on the topic 'Parliament and the Press in a Democratic Society', the point which emerged strongly was that both Parliament and the Press are essential for effective working of a democratic polity. Both owe their existence to the people and seek to serve the public weal. Their aims and objectives are common—to protect the rights and freedom of the people, espouse the cause of common man, promote the welfare of the community and to uphold the democratic norms and values safeguarding national interests. Broadly speaking, their task is to make the Government accountable to people. The message of the Symposium appealed to the Press to discourage such journalism as would give birth to negative and disruptive forces. While reporting about Parliament, the Press should take full care to ensure that the dignity of the Legislatures is maintained. The Press should work as a pillar of democracy, a key forum for articulating and preserving people's will and giving direction to the economic growth, social progress and cultural development of the country.

As representation is crucial to democracy, the question of the electoral system prevalent in a country becomes significant. How democratic the popular chamber is, depends on how representative of the people it is. It is in this context that the discussions in the Symposium on 'Electoral Reforms' in September, 1998 are of great value. In the light of 50 years of experience, the participants not only considered the issue of how to ensure the fairness of the electoral process, but also how to remove the existing inadequacies of the majoritarian system of representation causing distortions between popular votes and seats in the elected bodies. Parties having larger share of seats do not necessarily have to their credit larger percentage of the total popular votes. During the discussions, many valuable suggestions on the issue of free and fair elections came up, which, *inter alia,* include State funding of elections; linking of electoral roll with birth and death certificates; compulsory voting; delimitation of constituencies; checking of money and muscle power; regulating election expenses;

increasing security deposit for discouraging non-serious candidates; preventing access to electoral contests for persons with criminal background; periodic review of the Model Code of Conduct by Election Commission; reservation of seats for women in Legislatures, etc. Emphasis was also laid on ensuring the full five-year term for the Lok Sabha and the State Legislative Assemblies. As regards the question whether to confine to the existing majoritarian system or to shift to a comparatively more representative system, the suggestions in favour of the Proportional Representation as followed in Sweden, Norway, Denmark, Belgium, etc. or the combination of the majoritarian and the List System as in Russia and Germany came to the fore in order to do away with the inadequacies of the majoritarian system.

Since 1989, India has witnessed several minority Governments at the Centre. The Presiding Officers, therefore, chose the subjects 'Accountability, Stability and Multi-Party System' in February, 1994 and 'Coalition Governance and Political Stability' in June, 2000 for discussion. The participants recognized that the era of coalition and coalition Governments was going to stay. They were of the view that as a matter of fact, a well-coordinated coalition should lead to a representative, good and responsive governance. There was a general agreement in favour of a principled coalition based on commonly accepted policies and programmes. On the element of stability, some of the participants suggested an amendment in the Constitution in order to have constitutional coalition Governments. Many of them called for treating the pre-election coalition as 'political party' for the purpose of the Tenth Schedule of the Constitution. Above all, participants agreed that political parties and leaders should work with the national perspective in mind.

Thus, throughout, the Symposia have proved to be a very useful and vital forum at which the Presiding Officers, legislators and others have been able to exchange their experiences and ideas for the success of parliamentary democracy in India. The experience of the 24 Symposia held so far proves that through meaningful deliberations, the participants have sought to place democracy on a sound footing, inspiring public confidence in the democratic and parliamentary institutions.

3. CONFERENCES OF SECRETARIES OF LEGISLATIVE BODIES IN INDIA

A new dimension was added to the Conferences of Presiding Officers of Legislative Bodies in India in the year 1953, when the institution of the Conference of Secretaries of Legislative Bodies in India was created. The idea of holding the Conference of Secretaries was first mooted by Speaker G.V. Mavalankar at the Conference of Presiding Officers of Legislative Bodies in India at New Delhi in 1950. The idea behind the proposal to have such a Society of Secretaries was to ensure that the Legislature Secretariats in various States do not function at different levels. In the words of Shri Mavalankar: "We have different administrative units in different States at different levels... Levelling up means bringing up the standard of the entire Indian democracy. And as the procedural part also is a very important part, it was thought that we may have a Secretarial Organisation."

It was on 23 October, 1953, the Secretaries of Legislative Bodies in India met for the first time in Gwalior and unanimously agreed that a Society of Secretaries be formed. Since then, the Conference of Secretaries has become a regular event usually held before the Conference of Presiding Officers of Legislative Bodies in India. Expressing his opinion about its fundamentals, Shri M.N. Kaul, Chairman of the Conference, said in his Inaugural Address at the Conference held in Gwalior in October, 1953: "Parliamentary procedure indeed occupies a very high place in modern system of Governments... Experiments in parliamentary procedure and practice are of such wide scope that one cannot rest content with what has so far been established, but must always be on the look-out for new avenues and new ideas to fit them in the pattern of democracy as it develops from day to day."

He further stated: "I conceive all the Legislatures in the various States and Parliament as one Grand Parliament of this country. If this country is to be great, we have to see that each part of this Grand Parliament functions effectively. We have to see that there is uniformity of procedure, organisation and administration of these parts of this Grand Parliament. Broadly speaking, there should be a common pattern which should apply throughout these various Legislatures."

Explaining the purpose and spirit of the Conference of Secretaries of Legislative Bodies in India, Shri Kaul stated:

> We, as the Secretaries of the various Legislatures are, therefore, to fulfil a task which is both exacting and important. ... Our field of activity is at once vast and important. Our loyalty to this august institution, which we serve, places on us an obligation to point out the means which in our opinion should be used to remedy any defect in their working which we may notice... .
>
> We have to conceive ourselves as belonging to a single family, the servants of the Grand Parliament. We have to feel ourselves closer to each other and to derive strength and sustenance from each other... We have to develop a great *esprit de corps* among ourselves so that the common purpose is achieved.

Serving as a valuable forum of discussion, where experiences are exchanged and problems are thoroughly discussed, the objects of the Conference of Secretaries of Legislative Bodies in India are as given below:

(i) To discuss administrative, procedural and other matters at Secretary level;

(ii) To bring about uniformity of organisation in Legislature Secretariats throughout India;

(iii) To consider and report on any matter referred to it by the Conference of Presiding Officers; and

(iv) To recommend to the Conference of Presiding Officers any points requiring their consideration.

The Conference of Secretaries started in an informal way without any set of rules and any formal document. Shri M.N. Kaul, while addressing the Conference at Srinagar on 21 June, 1954, said:

> An institution takes a long time to develop, and if it develops by slow stages and the growth springs out of the feelings of those who compose the body, the Association, one can say, takes solid roots and the foundations are truly laid. It may be that we have started this Association in an informal way without any set of rules and without any formal document. I feel that this is the right way to start, because after all we are all Secretaries, partners in a single job and we work amongst ourselves with a sense of perfect equality and harmony. That is the fundamental basis upon which we work.

As mentioned earlier, the Conference of Secretaries is generally held at the time of the Conference of Presiding Officers of Legislative Bodies in India. It is mostly held on the day preceding the Conference of Presiding Officers. Notwithstanding the general practice, the Conference can also be convened on other occasions depending on the exigency. Till date, 44 such Conferences of Secretaries, including three special ones, have been held. (For Dates and Venues, *see* Annexure VII). The agenda for discussion on matters during the Conference is finalised after inviting points of discussion from the Secretaries of the State Legislatures. (For Subjects discussed, *see* Annexure IX). By virtue of being *ex officio* Secretary of the All India Conference of Presiding Officers as also the *ex officio* Secretary of the Standing Committee of All India Conference of Presiding Officers, the Secretary-General, Lok Sabha is the Chairman of the Conference of Secretaries as well.

The Conference begins with a Welcome Address by the Secretary of the host State Legislature. Thereafter, the Chairman of the Conference delivers the Inaugural Address which, *inter alia,* includes a summary apprising about the:

(i) Developments and changes since the previous Conference;
(ii) New schemes/policies introduced and implemented at the Centre in connection with the Legislature and its Secretariat;
(iii) Experiences and changes in the Rules of Procedure and Conduct of Business at the Centre since the previous Conference; and
(iv) Matters of common interest confronting the Legislatures and their Secretariats.

The Conference is also addressed by the Secretary-General, Rajya Sabha. Then comes the discussion on the points of the agenda of the Conference.

Over the years, the attempt has been to make the Conference of Secretaries a useful forum for meaningful discussions and deliberation on procedural matters, legislative and non-legislative devices, and business and matters concerning the Legislature Secretariat. The Conference has opened a vista of knowledge and experience for Secretaries who own a special responsibility for sustaining, standardizing and strengthening the dignity and authority of Legislative Bodies. It has given them a better insight into the system as such which has proved to be useful beyond any doubt.

As the duties of the Secretary of a Legislative Body are of a very delicate nature, the role of the Secretary has been one of the subjects receiving much attention and detailed consideration at the Conferences of Secretaries. Throughout, the call has been for a high degree of understanding, maturity of thought and great presence of mind in addition to thorough knowledge of the Rules of Practice and Procedure governing the Legislatures. The Secretary is the repository of the accumulated wisdom of the House, the custodian of its culture and traditions, and a vital link between the succeeding Houses and their changing membership. As the principal advisor to the Presiding Officer, as an Officer of the House and as a friend, philosopher and guide to the members of the Legislature, the Secretary should see that the House functions smoothly. He is not only to hold a balance between the Government and the Opposition, but he must also enjoy the confidence of both. His advice should always be free, frank and completely impartial. He should never get involved in political controversies and should not have partisanship in the day to day conduct of the House. In the words of Shri S.L. Shakdher, at the time of addressing the Conference of Secretaries in October, 1971: "It is imperative to note that as *sine qua non* of the democratic functioning of the Legislature, the independent and impartial character of the Secretariat of the Legislature is maintained in all circumstances.... We, on our part, owe it to the institution we have the privilege to serve that we do perform our functions and duties without fear or favour to the best of our ability."

Much of what the Secretary does is imperceptible, though crucial. Time and again, the Secretaries were reminded of the fact that rules and procedures are meant to assist and guide, not to hinder the judgment. They grow, evolve and develop almost every moment. As the chief aides of the Presiding Officers, they need to have an intuitive ability to gauge the feelings of the members and feel the pulse of the House. They should follow the rules by their spirit as much as by their letter. If need be, the procedure should be adjusted according to rules to meet the situation reasonably.

The task of the Secretary becomes harder in the moments of disorder and pandemonium in the House. In such situations, when the House is excited and agitated, an observation made by Speaker G.V. Mavalankar, has been the guiding principle as quoted at the Conference of Secretaries held in July, 1970: "The Secretary should be a man of inborn instinct and character, and should be able to fight in the battlefield without bullets being exchanged."

Keeping in mind the interest of the nation as a whole, such situations necessitate as has been concluded many a time at the Conferences of Secretaries that the Secretary should remind the Chair to be "cautious, be more cautious and be very cautious". Disciplinary action should be advised only as a last resort.

As a sequel to the role of the Secretary, the question of the status of the Secretary and the independence of Legislature Secretariat *vis-a-vis* the Executive has been a matter of perennial interest. The consensus has always been what Speaker G.V. Mavalankar once stated:

> It should not be open to any Department of the Executive Government to scrutinise, much less challenge, what the Head of the Legislature considers necessary and proper. Every officer, subordinate or otherwise, serving in the Secretariat of the Legislature must be in a position to carry out his duties without fear or favour of the Executive Government, and obviously this cannot be done if the persons in the employ of the Legislature Secretariat have to look upto such bodies as Selection Board, consisting of officers and nominees of the Executive Government for their chances and career in the Secretariat of the Legislature.

The Conferences of Secretaries have been in favour of a uniform practice of conforming to the spirit of the Constitution of India as laid down under articles 98 and 187 providing for identical provisions for separate and independent Secretariat for each House of Parliament and that of the State Legislatures. It is in this background, the Conference of Secretaries passed a Resolution in September, 1998 recommending for the consideration of the Presiding Officers' Conference that the matter relating to an independent and separate Secretariat for the State Legislatures be pursued vigorously. It further resolved that immediate steps be taken to upgrade the status of the Secretary of the State Legislature in terms of rank and pay on the pattern of Parliament.

While deliberating on the issue of independent Legislature Secretariat, it was also made clear on several occasions that the words 'Separate' and 'Independent' are to be so interpreted as to conform to the sense that Legislature Secretariats are separate from the Executive Government but not independent of the whole organisation of Government. Here, Government was seen in a wider sense and not restricted only to the Executive Government. From this point of view, the relation between the Finance Ministry and the Legislature Secretariat must also be looked upon as between colleagues and friends, and not as critics of Budget proposals. There is nothing wrong if the Ministry suggests certain expenditure cuts based on certain policies and principles of Government.

The issue of independence of the Legislature Secretariat is still alive. The endeavour of the Conference of Secretaries is to keep on striving in this direction till the independence of Legislature Secretariat is available and enjoyed in every State.

Another point which has often been raised at the Conferences of Secretaries is the creation of an Indian Parliamentary Service in the background of strengthening national integration and proper working of parliamentary democracy. Right from the first Conference in October, 1953, the issue has engaged its attention, every now and then, in an attempt to give a new direction to the staffing pattern of Legislature Secretariats so as to enable them to render an effective and efficient service to the Presiding Officer, the House and its members. It was as early as in November, 1955, in the background of the recommendations of the Committee of Secretaries under the Chairmanship of Shri A.R. Mukherjee, regarding the issue of Indian Parliamentary Service, that the Conference adopted the following Resolution: "The Secretaries of Legislative Bodies in India at their Conference approve the scheme for the constitution of an All India Parliamentary Service as embodied in the two reports of the Committee of Secretaries and adopt the said reports".

The Conference decided to forward the said Resolution and the reports to the Presiding Officers' Conference. The Hanumanthappa Committee on Staffing Pattern in the Legislature Secretariats also recommended the formation of an All India Parliamentary Service in 1976. Since the functions to be performed by the officers in the Legislature Secretariats of all States are identical, the Committee considered it desirable to evolve a uniform pattern in the method of recruitment of officers to various posts and also in the prescription of their qualifications and scales of pay. It was felt that such a measure would help not only in maintaining a high degree of efficiency in State Legislature Secretariats but also pave the way for the creation of a body of experts in parliamentary work as in the case of the All India Services. The unanimous adoption of the Resolutions at the Conferences of Secretaries in January, 1978 and October, 1986 in favour of the formation of an Indian Parliamentary Service shows how strongly the Conference has felt about the same.

In addition to these detailed considerations, the Conferences of Secretaries had especially been of immense value in the early days of Independence and the subsequent reorganisation of States when the Secretaries of newly formed State Legislatures were getting exposed to complex and entirely new situations. The valuable comments by the Secretaries-General of the Rajya Sabha and the Lok Sabha made them well conversant with the conventions, precedents and actual position on the points of constitutional and legal importance, and procedural matters like questions, privileges, parliamentary committees, motions, bills/legislation, etc. Various inputs to facilitate information sharing between the Parliament and the State Legislatures to make the working of the Legislatures more efficient and effective, which, *inter alia,* include the *Journal of Parliamentary Information,* Sessional Letters, training of officials in parliamentary practice and procedure, modernisation and computerisation of Legislatures and their Secretariats, etc., owe much of their origin to the Conferences of Secretaries.

Over the years, the forum of the Conference of Secretaries has been striving ceaselessly towards facilitating greater coordination among the Secretariats of State Legislatures. The need of the hour is to endeavour for its further consolidation and future growth so as to make the Conference more meaningful and purposive in the larger cause of promoting and preserving our rich parliamentary heritage.

APPENDIX I

RESOLUTION ADOPTED AT THE ALL INDIA CONFERENCE OF PRESIDING OFFICERS, LEADERS OF PARTIES, MINISTERS OF PARLIAMENTARY AFFAIRS, WHIPS, PARLIAMENTARIANS, LEGISLATORS AND SENIOR OFFICERS OF PARLIAMENT AND STATE LEGISLATURES ON 'DISCIPLINE AND DECORUM IN THE PARLIAMENT AND STATE LEGISLATURES' HELD IN NEW DELHI ON 23-24 SEPTEMBER, 1992

The Presiding Officers, Leaders of Parties, Ministers of Parliamentary Affairs and Party Whips in Parliament and State Legislatures and senior Parliamentarians and Legislators, having met in a Conference in New Delhi on 23 and 24 September, 1992, and deliberated on the need for more meaningful, effective and orderly functioning of the Houses of Parliament and State Legislatures:

(1) *Feel* greatly satisfied that the Parliamentary System has taken firm roots in the country notwithstanding the challenges from within and outside;

(2) *Compliment* the people of India for their continued faith in the principles and ideals of democracy and reaffirmation of their allegiance to the Parliament and Parliamentary Institutions;

(3) *Reiterate* their responsibilities and duties to protect and preserve the hard-won freedom, strengthen the unity of the people, defend the integrity of the country and achieve for the people a life of peace, prosperity and happiness;

(4) *Agree* unanimously that with a view to preserving the democratic and secular fabric and strengthening the Parliamentary Institutions, it is necessary that:

    (i) At the time of Address by the President to the Members of both the Houses of Parliament and at the time of Address by the Governor to the Houses of Legislatures, decorum and dignity of the occasion be maintained fully and due respect be shown to the President and the Governor;

- (ii) The Question time should be utilised fully and effectively as a well-established device to ensure accountability of the Administration and that the demand for the suspension of the Question Hour should not be made and acceded to except with the consensus in the House to discuss a matter of very urgent nature and exceptional importance;
- (iii) The Legislatures should hold sufficient number of sittings in a year with a view to affording adequate opportunities to the legislators to deliberate; and
- (iv) Members should scrupulously observe the Rules of Procedure in order to maintain order and decorum in the House;
- (v) The Committee System be strengthened in the Parliament and State Legislatures in order to enable in-depth study and closer scrutiny as well as to ensure accountability of the Executive to the Legislature.

(5) ***Suggest*** that the political parties evolve a code of conduct for their legislators and ensure its observance by them; and

(6) ***Urge*** that the Political Parties, Governments at the Centre and in the States, the Press and others concerned should help create a climate conducive to the healthy growth of Parliamentary System in the country.

APPENDIX II

RESOLUTION ADOPTED AT THE ALL INDIA CONFERENCE OF PRESIDING OFFICERS, CHIEF MINISTERS, MINISTERS OF PARLIAMENTARY AFFAIRS, LEADERS AND WHIPS OF PARTIES ON 'DISCIPLINE AND DECORUM IN PARLIAMENT AND LEGISLATURES OF STATES AND UNION TERRITORIES' HELD IN NEW DELHI ON 25 NOVEMBER, 2001

The Presiding Officers, Chief Ministers, Ministers of Parliamentary Affairs, Leaders of Parties, Whips and other distinguished members of Parliament and Legislatures of States and Union Territories;

Having met in a Conference at New Delhi on 25 November, 2001 to deliberate on the need for 'Discipline and Decorum in Parliament and Legislatures of States and Union Territories';

Taking serious note of the growing tendency to disturb and stall the proceedings of Parliament and State Legislatures and incidents of disorderly conduct by members inside the House which, besides eroding the credibility of these representative institutions, also lead to public disillusionment with the very system of parliamentary democracy;

Taking note of the step in this direction at the All India Conference of Presiding Officers and others on 'Discipline and Decorum in Parliament and State Legislatures' held at New Delhi on 23 and 24 September, 1992, which considered the matter in great detail;

Also taking note of the unanimous Resolution adopted by the two Houses of Parliament at their commemorative session to mark the Golden Jubilee of Indian Independence on 1 September, 1997 whereby the members committed themselves to maintain the inviolability of the Question Hour, to refrain from transgressing into the well of the House or from shouting slogans, and to desist from any effort at interruptions or interference with the Address of the President of the Republic;

Commending the endeavours of the Ethics Committees of Rajya Sabha, Lok Sabha and Andhra Pradesh and Orissa Legislative Assemblies to evolve a Code of Conduct and ethical norms for their members inside and outside the House;

Appreciating the efforts made by the Presiding Officers at their Sixty-fourth Conference held in June 2001 at Chandigarh on the initiative of Speaker, Lok Sabha to find ways and means for curbing the incidents of disorderly conduct in Parliament and Legislatures of States/Union Territories, and the ongoing endeavours by Lok Sabha for making provisions in the Rules of Procedure for automatic suspension of members of the House for a specified period for their acts of transgression into the well of the House and creating disorder there; and

Being concerned that all these concerted efforts have proved to be inadequate in curbing this increasingly disturbing trend;

Hold that acts of improper conduct in the House such as shouting of slogans, showing of placards, tearing and throwing of papers, showing of indecent postures, making of improper gestures, rushing to the well of the House, holding demonstrations, sitting on *dharna*, disturbing the proceedings and not allowing other members to speak, not heeding to the directions of the Chair to maintain order, questioning the rulings of the Presiding Officers, etc., affect adversely the proper functioning of the Parliament and the Legislatures;

Urge the legislators to realise that they belong to the supreme representative institutions of our democratic polity, that their conduct, both inside and outside the House, has a direct bearing on its success and that being the custodians of the interests of the entire nation, their conduct should not only be exemplary but also conform to the highest democratic traditions and expectations of the people;

Call upon the leaders of political and Legislature parties to come forward and play a proactive role in maintaining decorum in Legislatures by restraining their members from indulging in disorderly conduct inside the House and to impress upon them the need for faithful adherence to the norms of discipline, decorum and decent behaviour in the House;

Emphasize that the time has come to seriously introspect and analyse the root causes of this malady and take effective measures to stamp it out from our body politic;

Are of the view that some of the major contributory factors behind this trend of disorderly conduct by members in Legislatures are:

(i) non-availability of adequate time and consequent frustration of members over perceived inadequacy of opportunities to raise matters pertaining to their grievances on the floor of the House,

(ii) misgivings created at times by seemingly unresponsive attitude adopted by Government and retaliatory posture by Treasury Benches,

(iii) disinclination, at times, on the part of the leadership of Legislature parties to adhere to parliamentary norms and to discipline their members,

(iv) absence of prompt and proper action against erring members under the Rules of Procedure, and

(v) lack of sufficient training and orientation, especially of new members, in parliamentary procedure and etiquette;

Aware that :

(i) the Presiding Officers of Legislative Bodies in India, at their Conference held at Simla in October, 1997 and the Committee of Presiding Officers of Legislative Bodies, in their Report on 'Procedural Uniformity and Better Management of the Time of the House', adopted at the Presiding Officers' Conference held at Chandigarh in June, 2001, had recommended that there should be constitutional provisions to ensure a minimum of 100 sittings of bigger State Legislatures having at least 100 members and 60 sittings for smaller State Legislatures having less than 100 members,

(ii) the Committee of Privileges (Eleventh Lok Sabha), in their Report on 'Ethics, Standards in Public Life, Privileges, Facilities to Members and Other Related Matters' had recommended that 'immediate corrective measures' and 'comprehensive electoral reforms' are required to check the 'criminalisation of politics which was eating into the very vitals of our democratic system',

(iii) the Committee on Ethics, Rajya Sabha, in their First Report, presented on 8 December, 1998 had recommended that the political parties should 'devise self-controlling norms which should regulate the conduct of their members' and that 'the parameter for the selection of candidates for elections by political parties should be proven standards in public life', and

(iv) the Committee of Presiding Officers on 'Procedural Uniformity and Better Management of the Time of the House' had recommended that Departmentally-related Standing Committees and Ethics Committees should be constituted in all the Legislatures,

(v) The Committee on Ethics, Rajya Sabha in their Second Report presented on 13 December, 1999 had recommended that:

   (a) a Register of Members' Interests be maintained under the authority of the Committee on Ethics or of the House,

   (b) every member may be required to furnish information annually relating to any pecuniary interest or other material benefits which he receives, and

   (c) every member may be required to notify changes, if any, in the information so furnished by him within ninety days of such changes occurring,

(vi) The Committee on Ethics, Lok Sabha in their First Report on "Ethics Related Matters" laid on the Table of the House on 22 November, 2001 recommended that:

   (a) it may be made mandatory for each member of Lok Sabha to disclose his/her income, assets and liabilities. For this purpose, members may be required to file a financial disclosure statement immediately after their election to Lok Sabha,

   (b) members may file revised forms whenever any change occurs and also at the end of the tenure of the Lok Sabha, and

   (c) a Register of Members' Interests may be maintained in the Lok Sabha Secretariat on the basis of information furnished by the members;

Rededicate themselves to preserving, nurturing and strengthening the parliamentary democracy which is the very essence of our polity and to make the parliamentary institutions a success; and

Towards this end Resolve that

(i) the prestige of Parliament and the Legislatures of States and Union territories be preserved and enhanced by adopting and enforcing a Code of Conduct for legislators which forms part of this Resolution as an Annexure,

(ii) necessary changes, wherever required, be incorporated in the Rules of Procedure of all Legislatures to facilitate the implementation of the said Code of Conduct,

(iii) all violations or breaches of the Code of Conduct be duly punished by measures like admonition, reprimand, censure or withdrawal from the House for offences of a less serious nature and by automatic suspension from the service of the House for a specific period for grave misconduct as may be specified,

(iv) immediate steps be taken to ensure a minimum of 110 days of sittings of Parliament and 90 and 50 days of sittings of the Legislatures for the big and small States, respectively, if necessary, through appropriate Constitution amendment,

(v) necessary changes be made in the Rules of Procedure to strengthen the Committee System in Parliament and Legislatures of States and Union territories to provide increased participation of legislators in the parliamentary process,

(vi) Ethics Committees be constituted by the Presiding Officers forthwith in all the Legislatures where these have not already been constituted for enforcing the Code of Conduct,

(vii) Urgent steps be taken requiring:

(a) legislators to file a financial disclosure statement comprising information with regard to their income, assets and liabilities immediately after their election to respective Legislatures,

(b) legislators to notify changes, if any, in the information furnished by them in their financial disclosure statements within a specified period, and

(c) maintenance of a Register of Members' Interests by all Legislatures,

(viii) earnest endeavours be made by all political parties to lay down parameters with emphasis on proven standards in public life, for selection of candidates for elections,

(ix) a more responsible and effective role in maintaining decorum in the House be played by the Leader of the House, the Leader of the Opposition and leaders of political and Legislature parties by ensuring disciplined behaviour on the part of their members,

(x) a more positive and responsive attitude be adopted by the Government and Treasury Benches towards the Opposition by being more accommodative and by responding promptly to the matters raised by Opposition members on the floor of the House,

(xi) The Treasury and Opposition Benches in the House should be more tolerant, accommodative and understanding towards each other,

(xii) Presiding Officers and leadership of political and Legislature parties should ensure that the members, especially the new members, are given proper training and orientation in parliamentary procedure, discipline and decorum, by the Bureau of Parliamentary Studies and Training of Lok Sabha and those constituted in some State Legislatures or by other institutions or bodies;

And hope that all concerned will act in accordance with this Resolution in letter and spirit.

ANNEXURE

Code of Conduct for Members of Parliament and Legislatures of States and Union Territories

CONTENTS

I. Preliminary

II. Code of Conduct for Members inside the House

III. Code of Conduct for Members during President's/Governor's/Lieutenant Governor's Address

IV. Code of Conduct for Members in Parliamentary Committees/Committees of Legislatures of States and Union Territories

V. Code of Conduct during delegations to foreign countries

VI. Code of Conduct for Members outside Parliament and Legislatures of States and Union Territories and General Ethical Principles

VII. Procedure for dealing with complaints regarding breach of Code of Conduct

VIII. Punishment for breach of Code of Conduct

PART I

PRELIMINARY

1. This Code may be called the Code of Conduct for members of Parliament and Legislatures of States and Union territories.

2. Words and expressions used in the Code shall, unless the context otherwise requires, have the meaning assigned to them in the Constitution of India and the Rules of Procedure and Conduct of Business of Houses of Parliament and Legislatures of States and Union territories.

PART II

CODE OF CONDUCT FOR MEMBERS INSIDE THE HOUSE

GENERAL RULES

3. **A member, whilst the House is sitting, *shall:***

   (i) bow to the Chair while entering or leaving the House and also when taking or leaving his seat;

   (ii) always address the Chair;

   (iii) keep to his usual seat while addressing the House;

   (iv) maintain silence when not speaking in the House;

   (v) avoid talking or laughing in Lobby loud enough to be heard in the House;

   (vi) maintain the inviolability of the Question Hour;

   (vii) refrain from transgressing into the well of the House;

   (viii) resume his seat as soon as the Speaker rises to speak.

4. **A member, whilst the House is sitting, *shall not:***

   (i) read any book, newspaper or letter except in connection with the business of the House;

   (ii) interrupt any member while speaking by disorderly expression or noises or in any other disorderly manner;

   (iii) pass between the Chair and any member who is speaking;

(iv) leave the House when the Speaker/Chairman is addressing the House;

(v) obstruct proceedings, hiss or interrupt and shall avoid making running commentaries when another member is speaking;

(vi) applaud when a stranger enters any of the Galleries, or the Special Box;

(vii) shout slogans in the House;

(viii) sit or stand with his back towards the Chair;

(ix) approach the Chair personally in the House. He may send chits to the officers at the Table, if necessary;

(x) wear or display badges of any kind in the House;

(xi) bring or display arms in the House;

(xii) display flags, emblems or any exhibits in the House;

(xiii) leave the House immediately after delivering his speech;

(xiv) distribute within the precincts of Parliament House any literature, questionnaire, pamphlets, Press notes, leaflets, etc. not connected with the business of the House;

(xv) place his hat/cap on the desk in the House, bring boards in the Chamber for keeping files or for writing purposes, smoke or enter the House with his coat hanging on the arms;

(xvi) carry walking stick into the House unless permitted by the Speaker on health grounds;

(xvii) tear off documents in the House in protest;

(xviii) bring or play cassette or tape recorder in the House;

(xix) sit on *Satyagrah* or *Dharna* inside the House or anywhere within the precincts of Parliament or Legislatures of States and Union territories;

(xx) bring cellular phones or pagers in the House.

5. (1) If a private member desires to lay a paper or document on the Table of the House, he shall supply a copy thereof to the Speaker in advance so as to enable him to decide whether permission should be given to lay the paper or document on the Table. If the Speaker/Chairman permits the member to lay the paper or document on the Table, the member may at the appropriate time lay it on the Table.

(2) If a private member, in the course of his speech wishes to quote from a secret Government document, paper or report, he shall supply a copy thereof in advance to the Speaker and also indicate the portions thereof which he wishes to quote in order to enable the Speaker to decide whether permission should be given. If the Speaker/Chairman permits the member to quote from the document, the member may do so at the appropriate time. If the Speaker/Chairman does not accord the necessary permission, the member shall not quote from the document nor refer to its contents.

6. (1) A member wishing to point out any mistake or inaccuracy in a statement made by a Minister or any other member shall, before referring to the matter in the House, write to the Speaker/Chairman pointing out the particulars of the mistake or inaccuracy and seek his permission to raise the matter in the House.

(2) The member may place before the Speaker/Chairman such evidence as he may have in support of his allegation.

7. No allegation of a defamatory or incriminatory nature shall be made by a member against any person unless the member has given adequate advance notice to the Speaker/Chairman and also to the Minister concerned so that the Minister may be able to make an investigation into the matter for the purpose of a reply:

Provided that the Speaker/Chairman may at any time prohibit any member from making any such allegation if he is of opinion that such allegation is derogatory to the dignity of the House or that no public interest is served by making such allegation.

8. Members shall not give any advance publicity to various notices given by them.

9. A member having a personal, pecuniary or direct interest in a matter before the House, while taking part in the proceedings on that matter, shall declare the nature of that interest. It is expected of the member, as a matter of propriety, to decide for himself whether by casting his vote in a division in the House on the matter, his judgement is likely to be deflected from the straight line of public policy by that interest.

RULES TO BE OBSERVED WHILE SPEAKING

10. **A member while speaking shall not:**

(i) refer to any matter of fact on which a judicial decision is pending;

(ii) make personal reference by way of making an allegation imputing a motive to or questioning the *bona fides* of any other member of the House unless it be imperatively necessary for the purpose of the debate being itself a matter in issue or relevant thereto;

(iii) use offensive expressions about the conduct or proceedings of Parliament or any Legislature of State/Union territory;

(iv) reflect on any determination of the House except on a motion for rescinding it;

(v) reflect upon the conduct of persons in high authority unless the discussion is based on a Substantive Motion drawn in proper terms;

(vi) use the President's/Governor's/Lieutenant Governor's name for the purpose of influencing the debate;

(vii) utter treasonable, seditious or defamatory words;

(viii) use his right of speech for the purpose of obstructing the business of the House;

(ix) make any reference to the strangers in any of the Galleries;

(x) refer to Government officials by name;

(xi) read a written speech except with the previous permission of the Chair;

(xii) question or comment on the ruling of the Speaker/Chairman;

(xiii) use insinuation or offensive and unparliamentary expressions while addressing the Chair;

(xiv) speak unless called by the Speaker/Chairman;

(xv) speak unparliamentary words.

PART III

CODE OF CONDUCT FOR MEMBERS DURING PRESIDENT'S/ GOVERNOR'S/LIEUTENANT GOVERNOR'S ADDRESS

11. It is imperative for each and every member or any other person present on the occasion of the President's Address to observe solemnity, dignity and decorum.

12. If any member or other person interrupts or obstructs the President's Address to either House of Parliament or both Houses of Parliament assembled together, either before or during or after the Address, while the President is in the Hall, with any speech or point of order or walk-out or in any other manner, such interruption, obstruction or show of disrespect shall tantamount to an act of disorder and disrespect to the President and may be considered as a grossly disorderly conduct on the part of the concerned member or other person and a contempt of the House which may be dealt with by the House subsequently on a motion moved by a member.

13. If any member or other person interrupts or obstructs the President's Address or mars the dignity of the occasion in any other manner, the President, who is in charge of the proceedings and fully competent to preserve order on the occasion may give such directions as he may consider necessary to preserve order, solemnity and dignity of the occasion.

14. The provisions of clauses 11 to 13 of the Code would be applicable *mutatis mutandis* to the Addresses by Governors of States to members of both Houses of respective State Legislatures and Lieutenant Governors of Union territories to members of respective Legislative Assemblies.

PART IV

CODE OF CONDUCT FOR MEMBERS IN PARLIAMENTARY COMMITTEES/COMMITTEES OF LEGISLATURES OF STATES AND UNION TERRITORIES

Code of Conduct for members in Parliamentary Committees

15. Where a member of a Committee has a personal, pecuniary or direct interest in any matter which is to be considered by the

Committee, he shall state his interest therein to the Speaker through the Chairman of the Committee.

16. Since the proceedings of a Committee are treated as confidential, it is not permissible for a member of the Committee or any one who has access to its proceedings to communicate directly or indirectly to the Press any information regarding its proceedings, including its report or any conclusions arrived at, finally or tentatively, before the report has been presented to the House.

17. Whenever a paper or document marked 'secret' or confidential is circulated to the members of the Committee, the contents of such paper or document shall not be divulged by any member either in the minute of dissent or on the floor of the House, or otherwise, without the permission of the Speaker/Chairman; and where such permission has been obtained, any restriction imposed by the Speaker in regard to the manner in which, or the extent to which the information contained in the document may be divulged, shall be strictly observed.

18. The evidence given before a Committee shall not be published by any member of the Committee or by any other person until it has been laid on the Table.

Guidelines for Parliamentary Committees and Code of Conduct for members during study tours of Parliamentary Committees

19. Committees should not normally undertake tours unless it is absolutely necessary to undertake an on-the-spot study tour for proper examination of the subject before the Committee.

20. Where a Committee proposes to undertake a tour, prior permission of the Speaker/Chairman should be taken in all cases.

21. Tours should not be undertaken merely because something has to be seen or discussions have to be held with local authorities. Discussions can always usefully be held in the Parliament House/Assembly/Council Houses and the Officers concerned with the subject matter can be specifically called before the Committee.

22. The whole Committee should not undertake a tour. A small Sub-Committee or Study Group consisting of five or six members may be formed for the purpose who may report back to the whole Committee after its study tour. In cases where the Committee consists of more than 30 members, the Sub-Committee or Study Group may have a maximum of 10 members.

23. During the tours, Committees should avoid visits to places not included in the official tour programme, except local sight seeing.

24. It is necessary that the expenditure on tours and the strain on the local administration and transport authorities should be kept to the minimum.

25. Terms of reference of the Study Groups or Sub-Committees who are sent on study tours should be precise and laid down in writing.

26. A study tour should be undertaken before the official evidence on the subject is taken by the Committee and not after the evidence.

27. A study tour should be undertaken for the absolutely minimum necessary period, not exceeding a week at a time.

28. Sufficient notice of the tour programme should be given to the State Governments/other Departments or Undertakings concerned.

29. There should be no last minute changes in the tour programme by Study Groups as these result in considerable difficulties to the Railways, Airlines, concerned Government Departments and Officers.

30. Members shall avoid intermediate journeys during the tours. When transport is provided by Government/Undertakings during the tours of the Committee, such transport should be used for Committee work and not by individual members for distant private visits.

31. Members, during tours, shall take particular care to maintain proper dignity and decorum so that no criticism is made of the Committee in any manner.

32. During the tour, if a member falls ill and the doctor advises him not to undertake further tour, he shall follow the doctor's advice.

33. No member shall give Press statements regarding Committee proceedings to Press. Whenever any briefing of the Press is required to be done, the same should be done by the Chairman of the Committee.

34. Members, shall not accept any costly gifts during the tour. Members can, however, accept inexpensive mementos connected with the organisation visited.

35. The Committee or Sub-Committee or Study Group, while on tour, shall not accept any invitation for lunch or dinner or other hospitality that might be extended by any private party. At the official lunches or dinners, if any, that might be accepted by the Committee or Sub-Committee or Study Group, no liquor should be allowed to be served.

36. No member shall take any other person during the official tours. An attendant or member's spouse may accompany a member on medical grounds with the prior permission of the Chairman of the Committee. In such cases, the member shall bear all expenses, including hotel charges in respect of his/her spouse or attendant. In case a member is found having any accompanying person without prior permission, he/she would not only bear all the expenses of such a person but would also stand automatically debarred from undertaking any Committee tour thereafter.

37. The spouse or attendant of a member, in no case, shall accompany Committee members during official visit to any installation, undertaking, office or establishment and during informal discussions with officers of the concerned establishment, undertaking, etc.

38. The provisions of clauses 15 to 37 would be applicable *mutatis mutandis* to Committees of Legislatures of States and Union territories and their members.

PART V

CODE OF CONDUCT DURING DELEGATIONS TO FOREIGN COUNTRIES

39. (i) Members should adhere to protocol norms during the visits to foreign countries.

(ii) While participating in the International Conferences, members should follow rules, guidelines, conditions, etc. as may be provided for in the Statutes/Rules and/or as may be fixed by the organisers.

(iii) During visit of Parliamentary Delegations to other countries, no member shall give Press statements regarding visit. Whenever any briefing of the Press is required to be done, the same shall be done by the leader of the Delegation.

PART VI

CODE OF CONDUCT FOR MEMBERS OUTSIDE THE PARLIAMENT AND LEGISLATURES OF STATES AND UNION TERRITORIES AND GENERAL ETHICAL PRINCIPLES

Code of Conduct for members outside the Parliament and Legislatures of States and Union territories:

40. Information given to members in confidence or by virtue of their being members of Committees of Parliament/Legislatures of States and Union territories shall not be divulged to anyone nor used by them directly or indirectly in the profession in which they are engaged, such as in their capacity as editors or correspondents of newspapers or proprietors of business firms and so on.

41. A member shall not try to secure business from Government for a firm, company or organisation with which he is directly or indirectly concerned.

42. A member shall not give certificates which are not based on facts.

43. A member shall not make profit out of Government residence allotted to him by sub-letting the premises.

44. A member shall not unduly influence the Government officials or the Ministers in a case in which he is interested financially either directly or indirectly.

45. A member shall not receive hospitality of any kind for any work that he desires or proposes to do from a person or organisation on whose behalf the work is to be done by him.

46. A member shall not in his capacity as a lawyer or a legal adviser or a counsel or a solicitor appear before a Minister or an executive officer exercising quasi-judicial powers.

47. A member shall not proceed to take action on behalf of his constituents on some insufficient or baseless facts.

48. A member shall not permit himself to be used as a ready supporter of anybody's grievances or complaints without verifying facts.

49. A member shall not endorse incorrect certificates on bills claiming amounts due to him.

50. A member shall not elicit information from Government in an unauthorised manner by inducing a subordinate official to give information which in the course of his normal functions he should not do. Nor shall he encourage any such person to speak to him against his senior officials on matters of public importance and policy.

51. A member shall not write recommendatory letter or speak to officials for employment or business contacts for any of his relations or other persons in whom he is directly or indirectly interested.

General ethical principles with which members should abide

52. Members must utilise their position to advance general well being of the people.

53. In case of conflict between the personal interest of members and public interest, they must resolve the conflict so that personal interests are subordinated to the duty of their public office.

54. Members shall resolve conflict between private financial interests/ family interest and public interest in a manner that the public interest is not jeopardised.

55. Members holding public offices shall use public resources in such a manner as may lead to public good.

56. Members shall keep uppermost in their mind the Fundamental Duties listed in Part-IVA of the Constitution.

57. Members shall maintain high standards of morality, dignity, decency and values in public life.

PART VII

PROCEDURE FOR DEALING WITH COMPLAINTS REGARDING BREACH OF CODE OF CONDUCT

58. The Presiding Officer or the House, as the case may be, may *suo motu* take up for consideration cases of breach of the Code that have taken place in the House.

59. In other cases, the Speaker/Chairman may refer complaints regarding violation of Code of Conduct to Committee on Ethics or in its absence to the Committee of Privileges for examination and report.

PART VIII

PUNISHMENT FOR BREACH OF CODE OF CONDUCT

60. In case of violation of the Code of Conduct, the Presiding Officer or the House, as the case may be, can impose any of the following punishments/penalties:

(a) Admonition;

(b) Reprimand;

(c) Censure;

(d) Withdrawal from the House;

(e) Suspension from the service of the House for a specific period; and

(f) Any other penal action considered appropriate by the House.

APPENDIX III

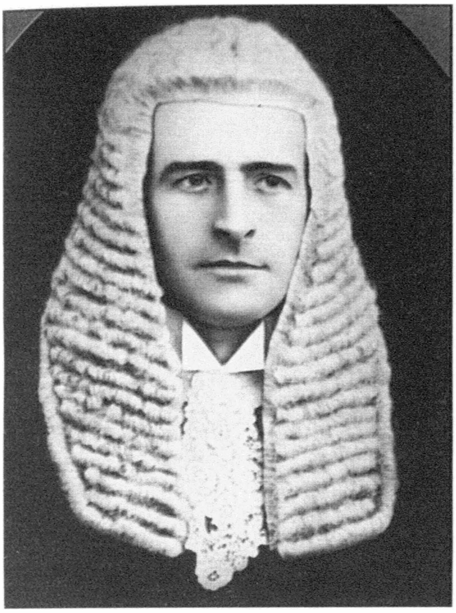
RESOLUTION ADOPTED AT THE SYMPOSIUM OF PRESIDING OFFICERS OF LEGISLATIVE BODIES IN INDIA ON "NEED FOR CONSTITUTION OF ETHICS COMMITTEES IN LEGISLATURE" HELD IN SIMLA ON 23 OCTOBER, 1997

The Symposium adopted the following Resolution:

> The Presiding Officers of the Legislative Bodies in India having met in a Symposium at Simla on 23 October, 1997 deliberated on the need for constitution of Ethics Committees in Legislatures. The Symposium took note of the special presentation on the subject by the Ethics Group of the Privileges Committee of the Lok Sabha, the broad details of which are: there is a justification for establishing Ethics Committees in the context of the growing political consciousness of the people, changing public perceptions about legislators, trends of criminalisation of politics, fall in standards of probity in public life, etc. There could be "Privileges and Ethics Committees", ethics aspect being separately handled by a sub-committee; membership for the Committee could be determined by the Presiding Officers autonomously without going through political parties; complaints could be presented to the Committee through the Speaker; investigations on complaints being conducted in-camera; onus of proof of allegations could lie on the complainants; the Committee could decide on the penalties, if any, to be imposed finally by the House; and the interface between the Lok Pal and the Committee should be appropriately spelt out.
>
> Based on this presentation by the Ethics Groups of the Privileges Committee of the Lok Sabha and taking into account the views on the subject expressed by the Presiding Officers and legislators, the Symposium calls upon the State Legislative Bodies to establish Ethics Committees. However, they may, before the establishment of the Committee, await the decision of the Lok Sabha in regard to the framework and functions of the Ethics Committee which it proposes to establish and they may further take into consideration further developments in respect of the functioning of the Ethics Committee already established by the Rajya Sabha.

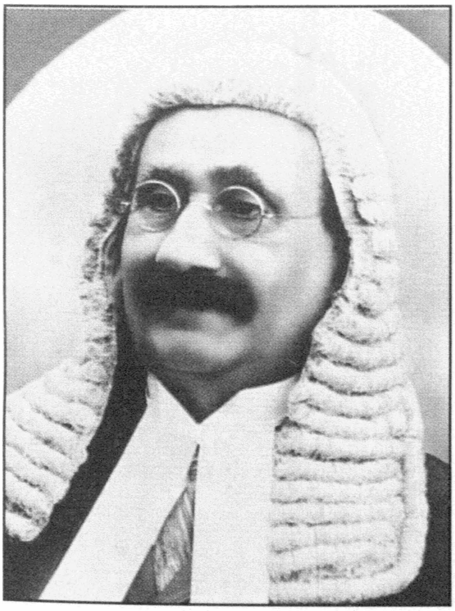
CHAIRMEN OF THE CONFERENCES OF PRESIDING OFFICERS OF LEGISLATIVE BODIES IN INDIA

[1921-2001]

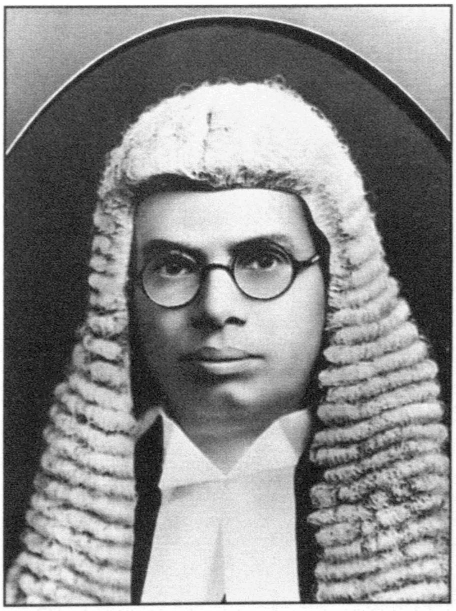


Sir A. F. Whyte

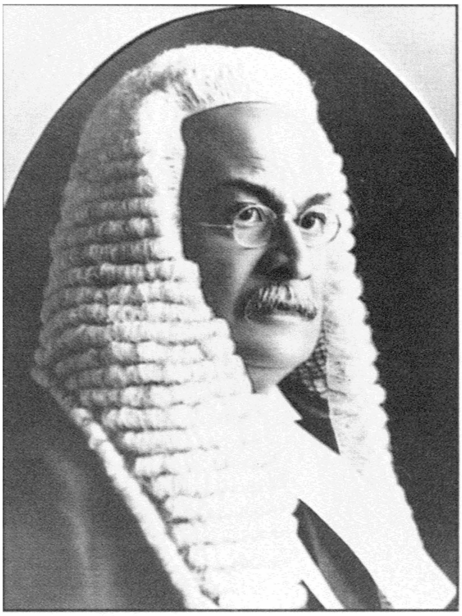
Sir Vithalbhai J. Patel



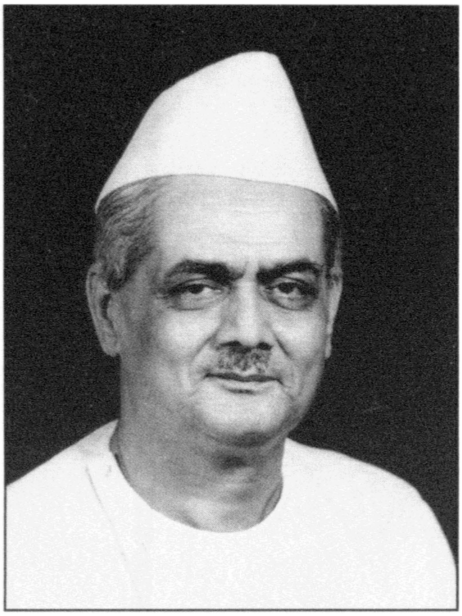
Sir Ibrahim Rahimtoola



Sir Shanmukham Chetty

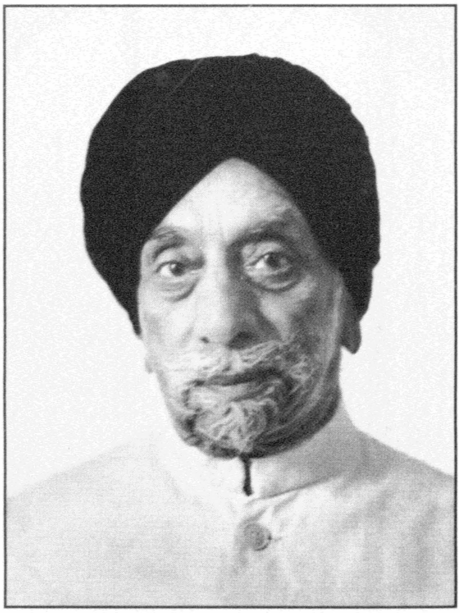


Sir Abdur Rahim

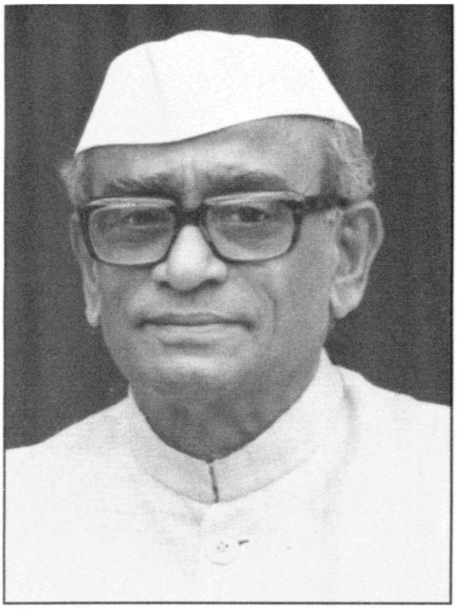


Shri G.V. Mavalankar

Shri M. Ananthasayanam Ayyangar

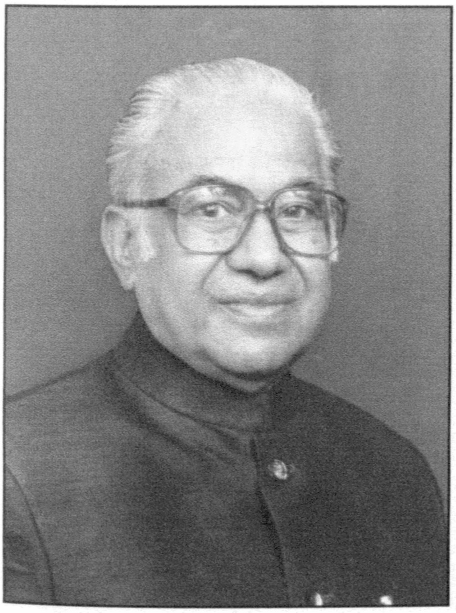


Sardar Hukam Singh



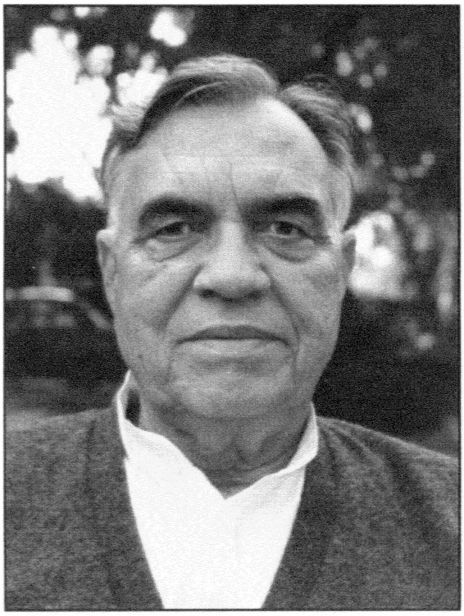
Shri N. Sanjiva Reddy

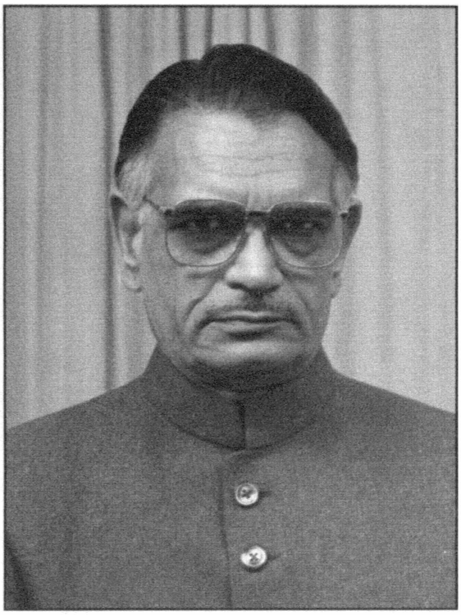
Dr. G. S. Dhillon



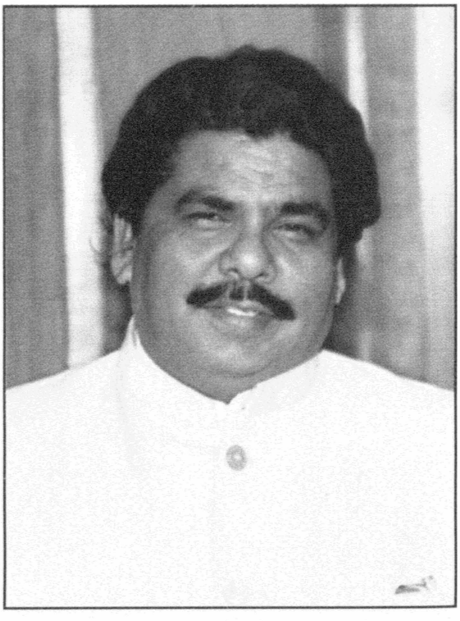
Shri B. R. Bhagat

Shri K. S. Hegde

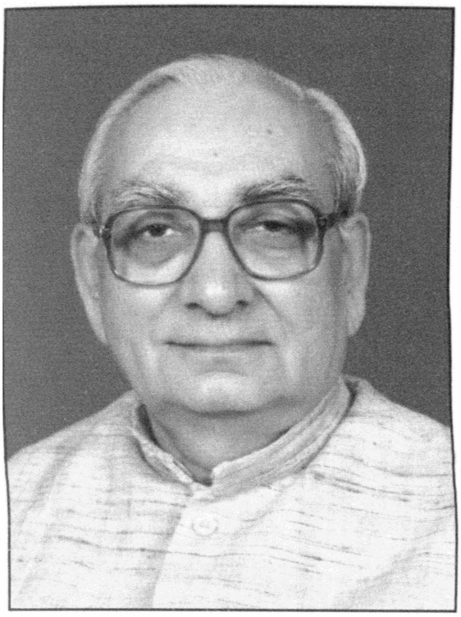

Dr. Bal Ram Jakhar


Shri Shivraj V. Patil

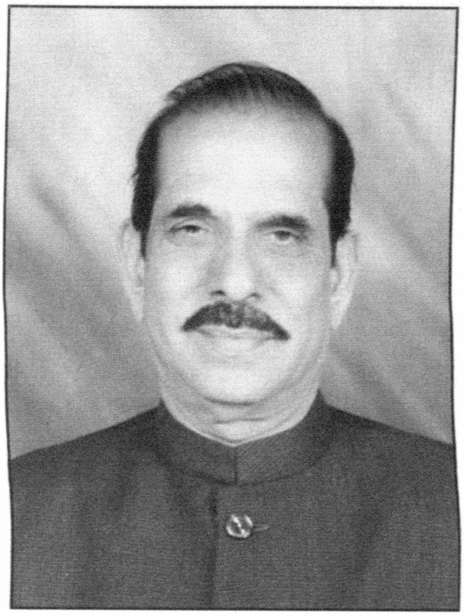
Shri P. A. Sangma


Shri G.M.C. Balayogi

PRESIDING OFFICERS/SECRETARIES-GENERAL OF HOUSES OF PARLIAMENT

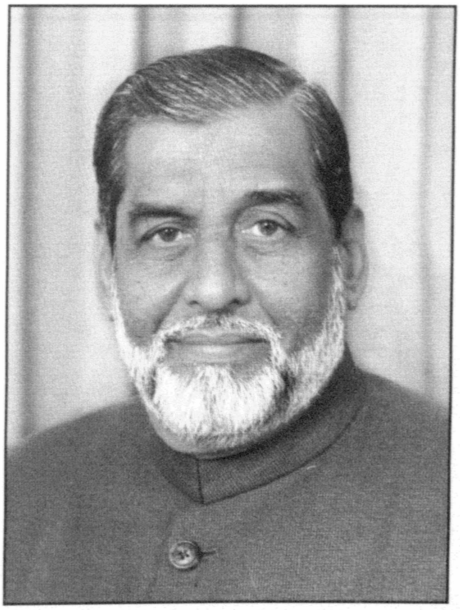


Shri Krishan Kant
Vice-President of India and
Chairman, Rajya Sabha*



Shri Manohar Joshi
Speaker, Lok Sabha

Dr. (Smt.) Najma Heptulla
Deputy Chairperson, Rajya Sabha



Shri P. M. Sayeed
Deputy Speaker, Lok Sabha

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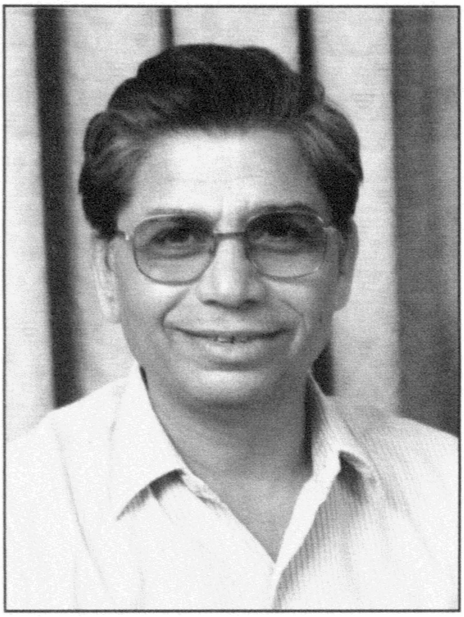
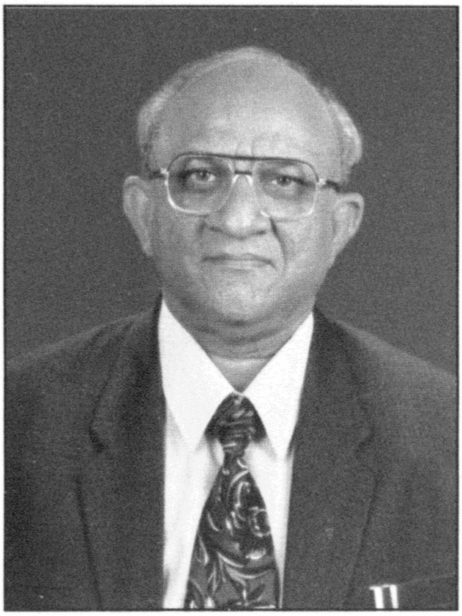
*The Vice-President of India and Chairman of Rajya Sabha does not attend the Conference of Presiding Officers of Legislative Bodies in India.

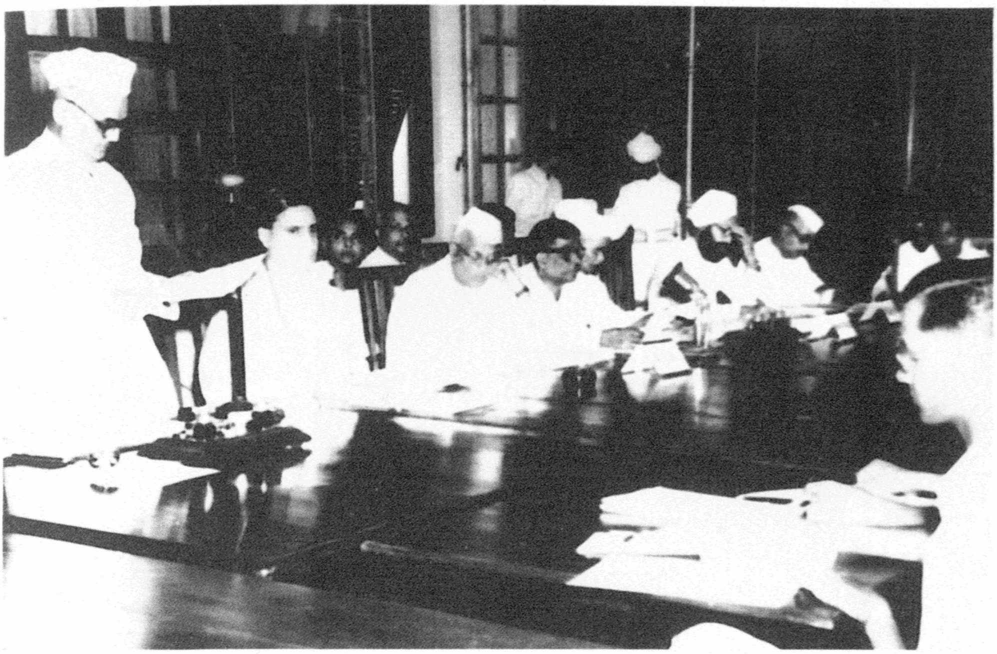


Shri R.C. Tripathi
Secretary-General, Rajya Sabha

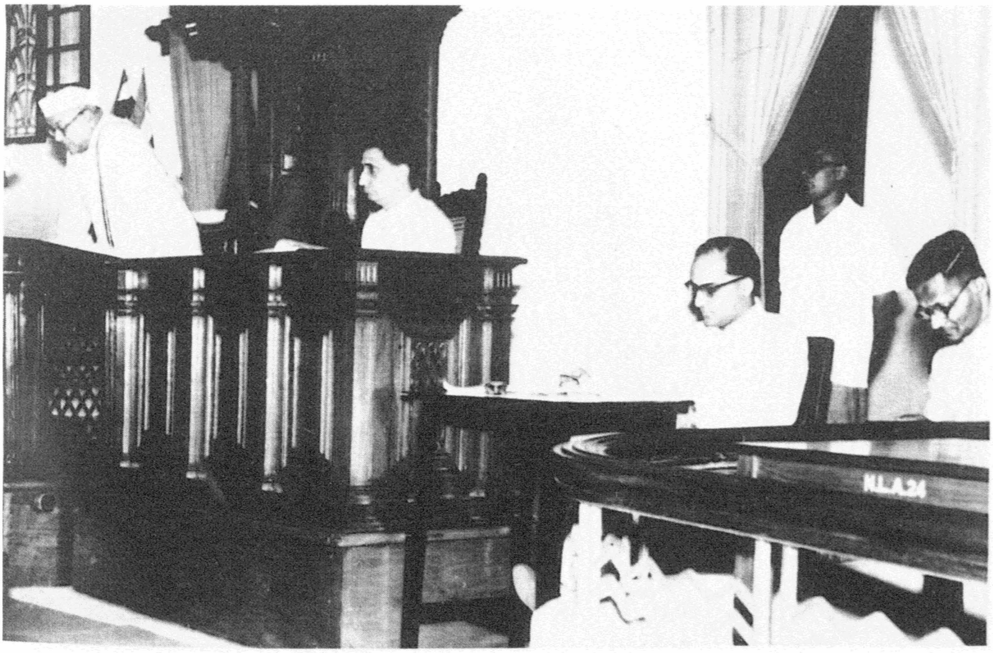


Shri G. C. Malhotra
Secretary General, Lok Sabha

CONFERENCES OF PRESIDING OFFICERS/SYMPOSIA

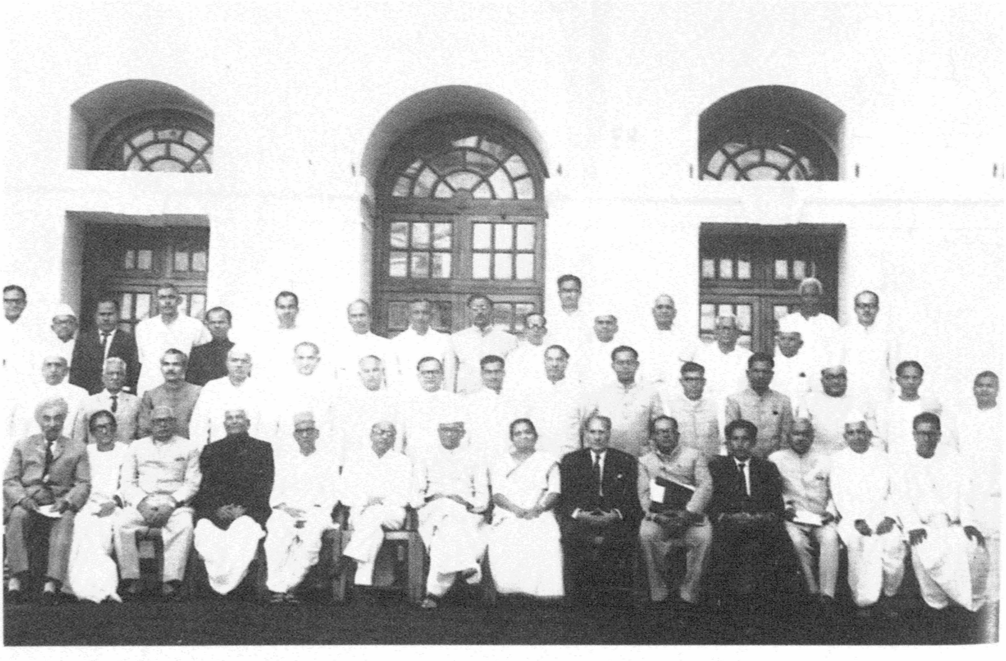


The Speaker of Parliament, Shri G.V. Mavalankar, addressing the Conference of Presiding Officers of Legislative Bodies in India held in New Delhi in August, 1950. Also seen in the picture is Shri M.N. Kaul, Secretary, Parliament

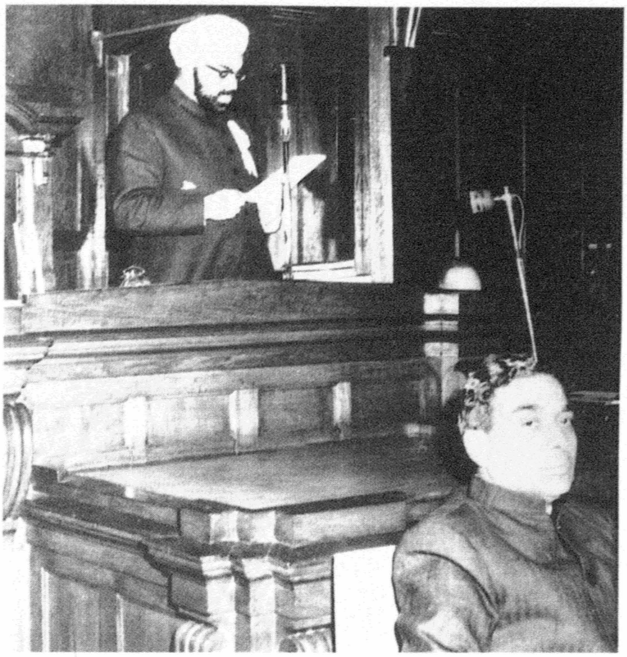


The Speaker, Lok Sabha, Shri M.A. Ayyangar, addressing the Conference of Presiding Officers of Legislative Bodies in India held in Madras in September, 1956

The Speaker, Lok Sabha, Sardar Hukam Singh, with the other Presiding Officers during the Conference of Presiding Officers of Legislative Bodies in India held in Chandigarh in February, 1963



The Speaker, Lok Sabha, Dr. N. Sanjiva Reddy, with the other Presiding Officers during the Conference of Presiding Officers of Legislative Bodies in India held in New Delhi in October, 1967



The Speaker, Lok Sabha, Dr. G.S. Dhillon, addressing the Conference of Presiding Officers of Legislative Bodies in India held in Shillong in November, 1974

The Speaker, Lok Sabha, Shri B.R. Bhagat, presiding over the Conference of Presiding Officers of Legislative Bodies in India held in Simla in May-June, 1976

The Speaker, Lok Sabha, Shri K.S. Hegde, addressing the Conference of Presiding Officers of Legislative Bodies in India held in Jaipur in October, 1978

The Speaker, Lok Sabha, Dr. Bal Ram Jakhar, addressing the Conference of Presiding Officers of Legislative Bodies in India held in Patna in November, 1982

The Speaker, Lok Sabha, Shri Shivraj V. Patil, addressing the Conference of Presiding Officers of Legislative Bodies in India held in Madras in June, 1993

CONFERENC
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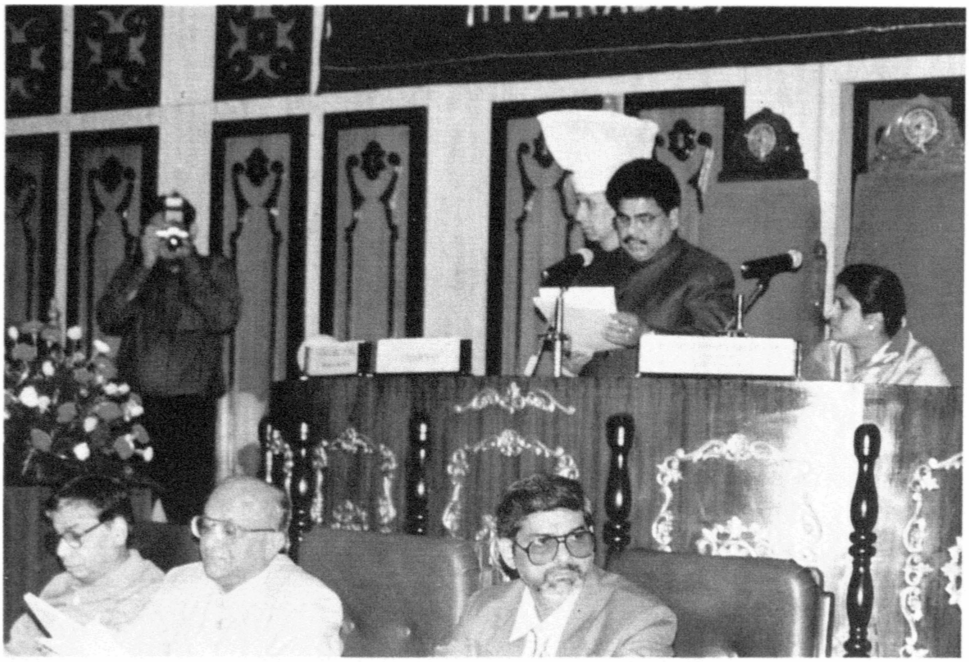
21 TO 2

The Speaker, Lok Sabha, Shri P.A. Sangma, addressing the Conference of Presiding Officers of Legislative Bodies in India held in Simla in October, 1997



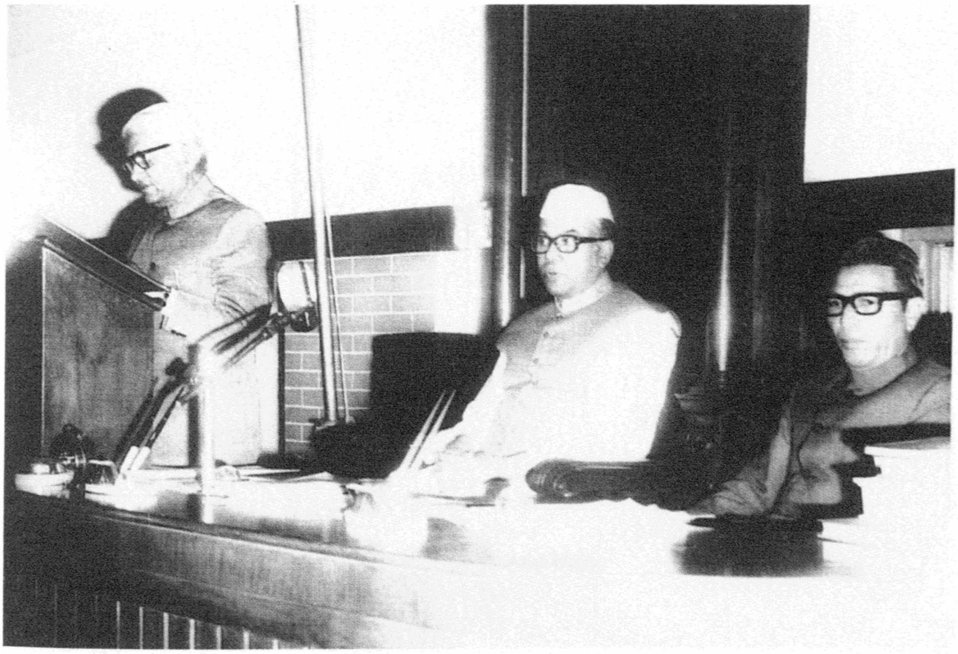
The Speaker, Lok Sabha, Shri G.M.C. Balayogi, addressing the Conference of Presiding Officers of Legislative Bodies in India held in Hyderabad in May, 2000

ਭਾਰਤ ਦੀਆਂ ਵਿਧਾਨਕ ਸੰਸਥਾਵਾਂ ਦੇ ਪ੍ਰੀਜ਼ਾਈਡਿੰਗ ਅਫ਼ਸਰਾਂ ਦੀ
27 ਜੂਨ ਤੋਂ 1 ਜੁਲਾਈ, 2001 ਤਕ ਚੰਡੀਗੜ੍ਹ ਵਿਖੇ ਕਾਨਫ਼ਰੰਸ
भारत में वैधानिक संस्थाओं के पीठासीन अधिकारियों का
27 जून से 1 जुलाई, 2001 तक चण्डीगढ़ में सम्मेलन
CONFERENCE OF PRESIDING OFFICERS OF LEGISLATIVE
BODIES IN INDIA, CHANDIGARH, 27TH JUNE TO 1ST JULY, 2001

The Speaker, Lok Sabha, Shri G.M.C. Balayogi, at the Conference of Presiding Officers of Legislative Bodies in India held in Chandigarh in June-July, 2001

64th CONFERENCE OF PRESIDING OFFICERS
OF LEGISLATIVE BODIES IN INDIA
CHANDIGARH, 27th JUNE TO 1st JULY, 2001

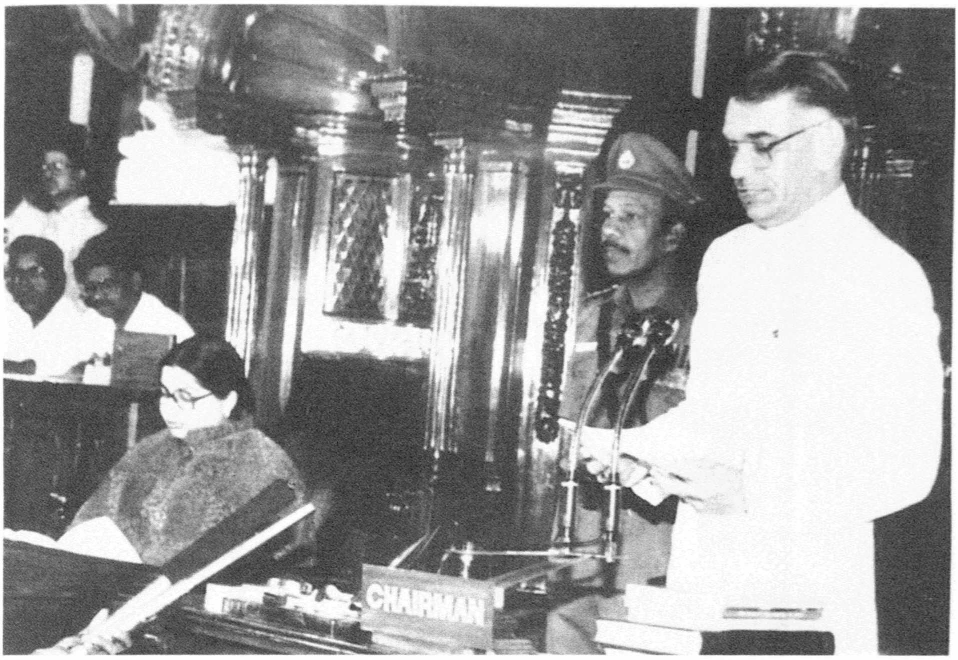
The Speaker, Lok Sabha and the Chairman of the Conference, Shri G.M.C. Balayogi with Presiding Officers from the State Legislatures, at the Conference of Presiding Officers of Legislative Bodies in India held in Chandigarh in June-July, 2001



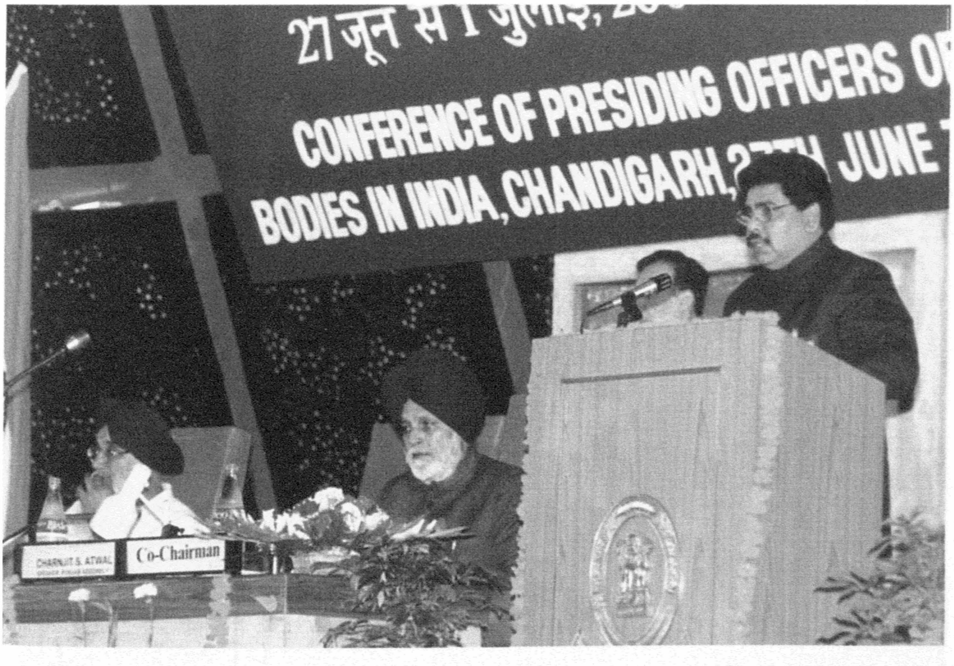
The Speaker, Lok Sabha, Shri B.R. Bhagat, at the Symposium held in Simla in June, 1976

A view of Symposium held in Jaipur in October, 1978. The Speaker, Lok Sabha, Shri K.S. Hegde is seated in the middle

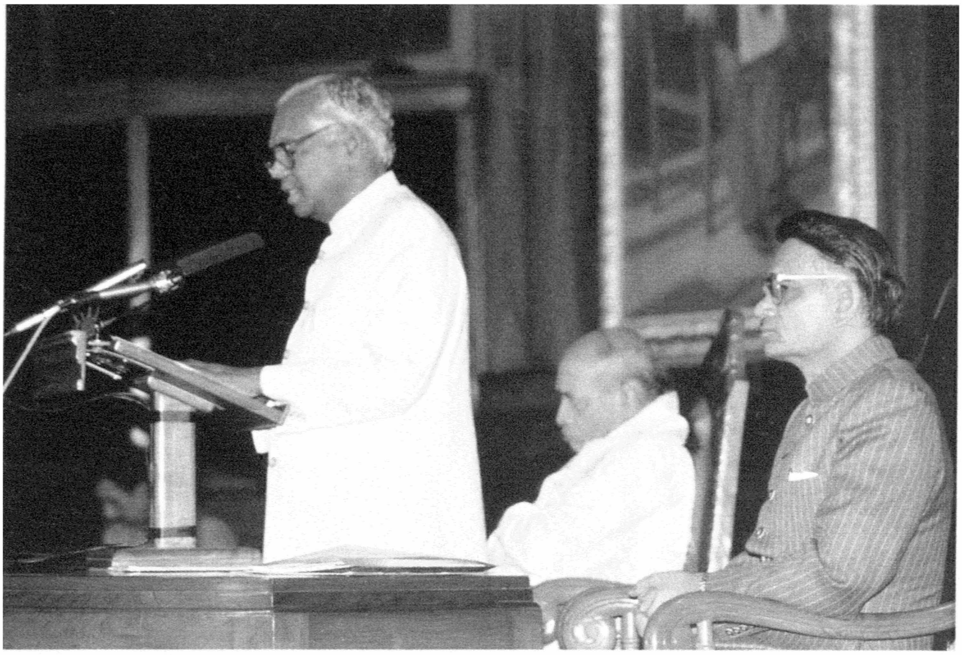
A view of the Symposium held in Patna in November, 1982. The Speaker, Lok Sabha, Dr. Bal Ram Jakhar is seated on the dais



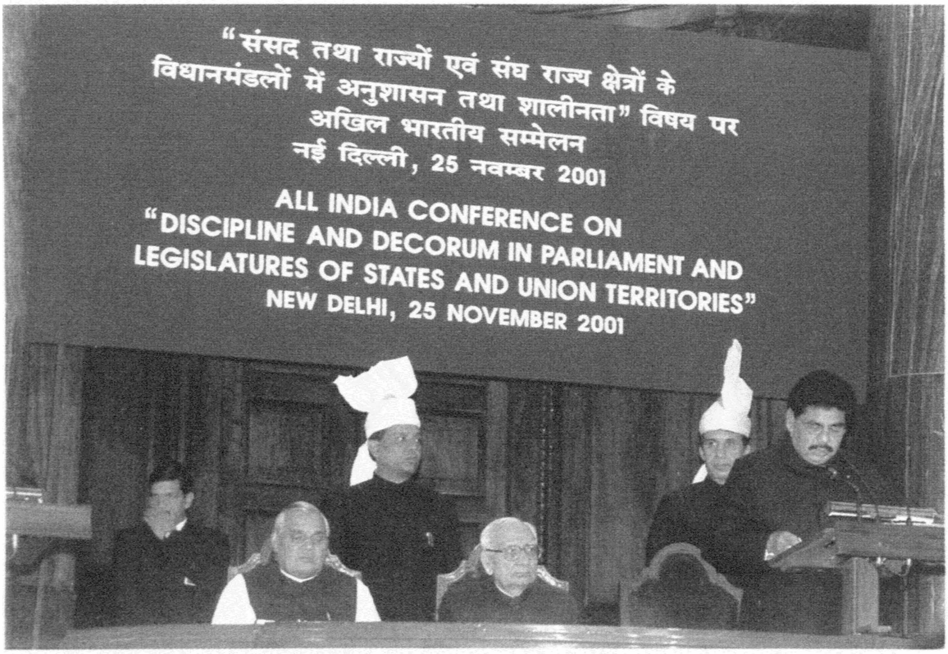
The Speaker, Lok Sabha, Shri Shivraj V. Patil, addressing the Symposium held in Madras in June, 1993


27 जून से 1 जुलाई,
CONFERENCE OF PRESIDING OFFICERS O
BODIES IN INDIA, CHANDIGARH, 27TH JUNE
CHARNJIT S. ATWAL
Co-Chairman

The Speaker, Lok Sabha, Shri G.M.C. Balayogi, addressing the Symposium held in Chandigarh in June, 2001



The then Vice-President of India and Chairman of Rajya Sabha, Shri K.R. Narayanan inaugurating the All India Conference of Presiding Officers, Leaders of Parties, Ministers of Parliamentary Affairs, Whips, Parliamentarians, Legislators and Senior Officers of Parliament and State Legislatures on "Discipline and Decorum in the Parliament and State Legislatures" held in New Delhi on 23-24 September, 1992. Also seen in the picture are the then Prime Minister, Shri P.V. Narasimha Rao and the then Speaker of Lok Sabha, Shri Shivraj V. Patil


"संसद तथा राज्यों एवं संघ राज्य क्षेत्रों के
विधानमंडलों में अनुशासन तथा शालीनता" विषय पर
अखिल भारतीय सम्मेलन
नई दिल्ली, 25 नवम्बर 2001
ALL INDIA CONFERENCE ON
"DISCIPLINE AND DECORUM IN PARLIAMENT AND
LEGISLATURES OF STATES AND UNION TERRITORIES"
NEW DELHI, 25 NOVEMBER 2001

The Speaker, Lok Sabha, Shri G.M.C. Balayogi addressing the All India Conference of Presiding Officers, Chief Ministers, Ministers of Parliamentary Affairs, Leaders and Whips of Parties on "Discipline and Decorum in Parliament and Legislatures of States and Union Territories" held in New Delhi on 25 November, 2001. Also seen in the picture are the Vice-President of India and Chairman, Rajya Sabha, Shri Krishan Kant and the Prime Minister, Shri Atal Bihari Vajpayee

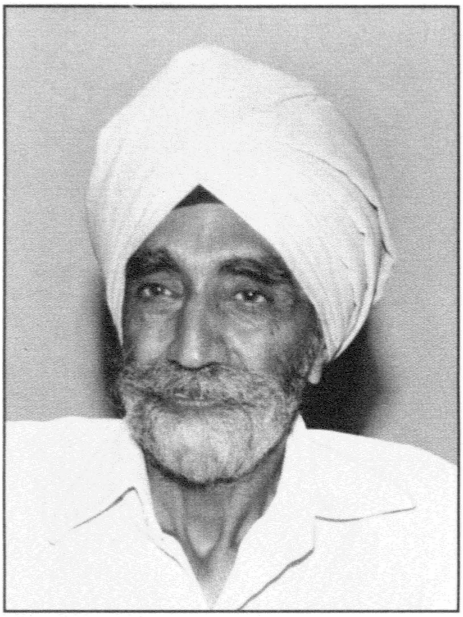
CHAIRPERSONS OF THE CONFERENCES OF SECRETARIES OF LEGISLATIVE BODIES IN INDIA [1953-2001]

Shri M.N. Kaul

Shri B. N. Banerjee

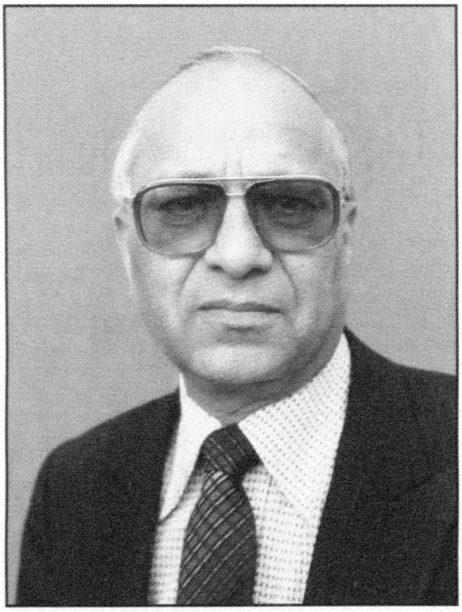
Shri S. L. Shakdher

Shri S. S. Bhalerao



Shri Avtar Singh Rikhy

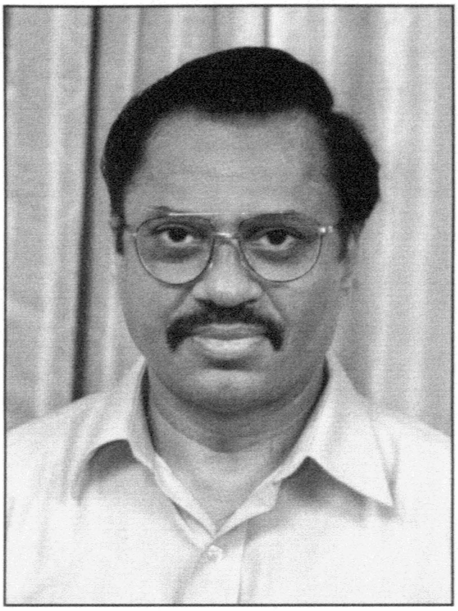
Shri Sudarshan Agarwal



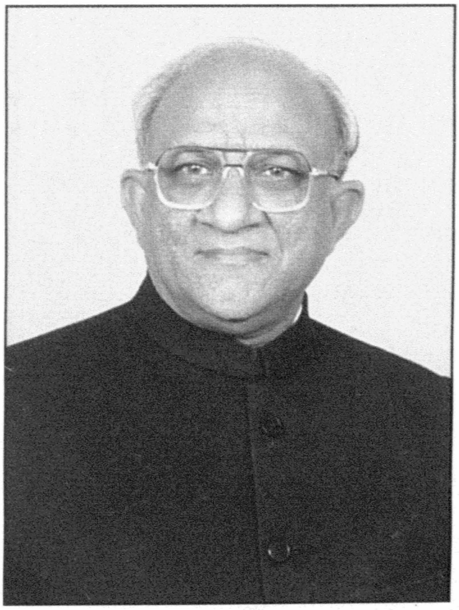
Dr. Subhash C. Kashyap

Shri C.K. Jain

Smt. V.S. Rama Devi

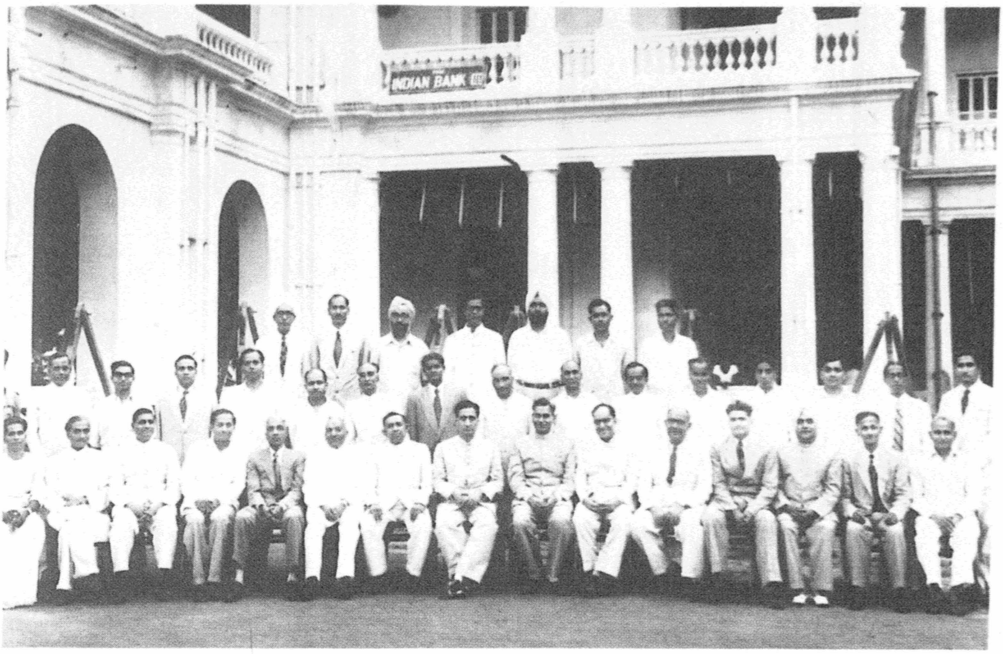


Shri S. Gopalan

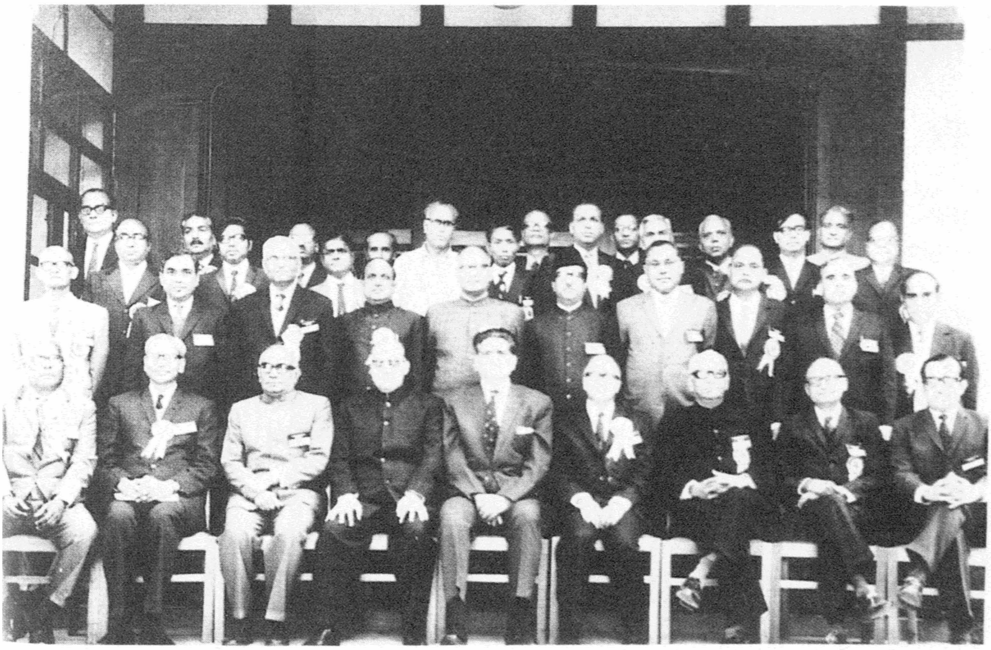


Shri G.C. Malhotra

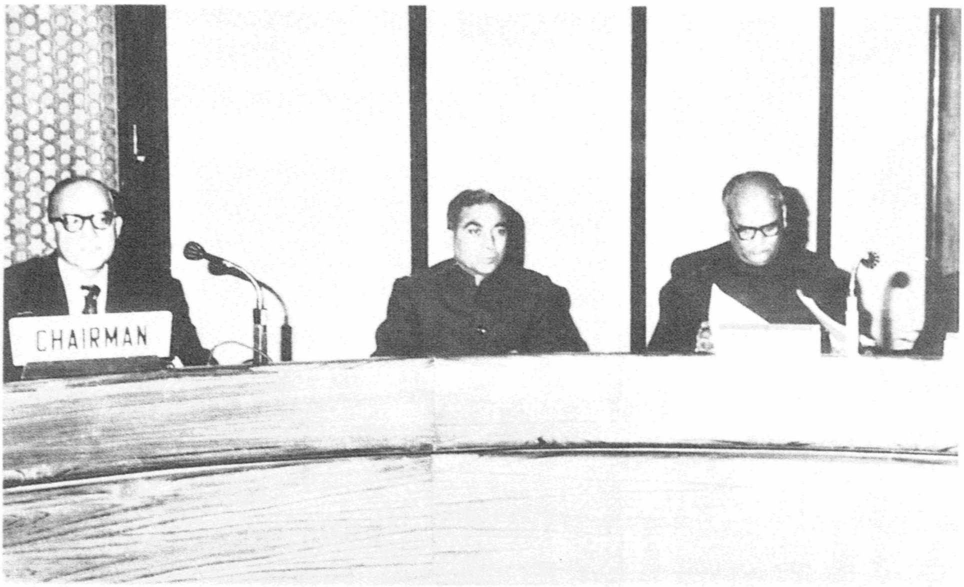
CONFERENCES OF SECRETARIES



The Secretary of Lok Sabha, Shri M.N. Kaul, with the Secretaries from the State Legislatures at the Conference of Secretaries of Legislative Bodies in India held in Madras in September, 1956



The Secretary-General of Rajya Sabha, Shri B.N. Banerjee, with the Secretaries from the State Legislatures at the Conference of Secretaries of Legislative Bodies in India held in Shillong in November, 1974



The Secretary-General, Lok Sabha, Shri S.L. Shakdher, addressing the Conference of Secretaries of Legislative Bodies in India held in New Delhi in July, 1977

The Secretary-General of Rajya Sabha, Shri S.S. Bhalerao and the Secretary-General of Lok Sabha, Shri Avtar Singh Rikhy, at the Conference of Secretaries of Legislative Bodies in India held in Jaipur in October, 1978

स्वागतम
CONFERENCE OF PRESIDING OFFICERS OF
LEGISLATIVE BODIES IN INDIA
PATNA
6th TO 10th NOVEMBER, 1982

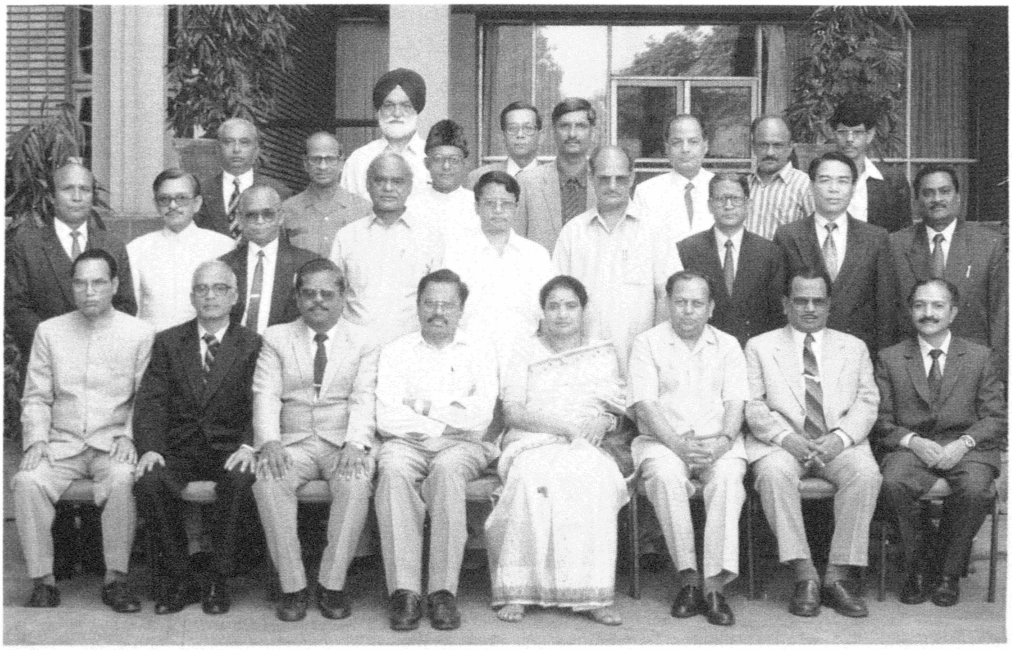
The Secretary-General of Rajya Sabha, Shri Sudarshan Agarwal and the Secretary-General of Lok Sabha, Shri Avtar Singh Rikhy with Secretaries from the State Legislatures at the Conference of Secretaries of Legislative Bodies in India held in Patna in November, 1982

CONFERENCE OF PRESIDING OFFICERS OF
LEGISLATIVE BODIES IN INDIA.
19TH TO 24TH JANUARY 1989 DISPUR GUWAHATI
BRARY
LATIVE ASSEMBLY

The Secretary-General of Lok Sabha, Dr. Subhash C. Kashyap, with the Secretaries from the State Legislatures at the Conference of Secretaries of Legislative Bodies in India held in Dispur in January, 1989

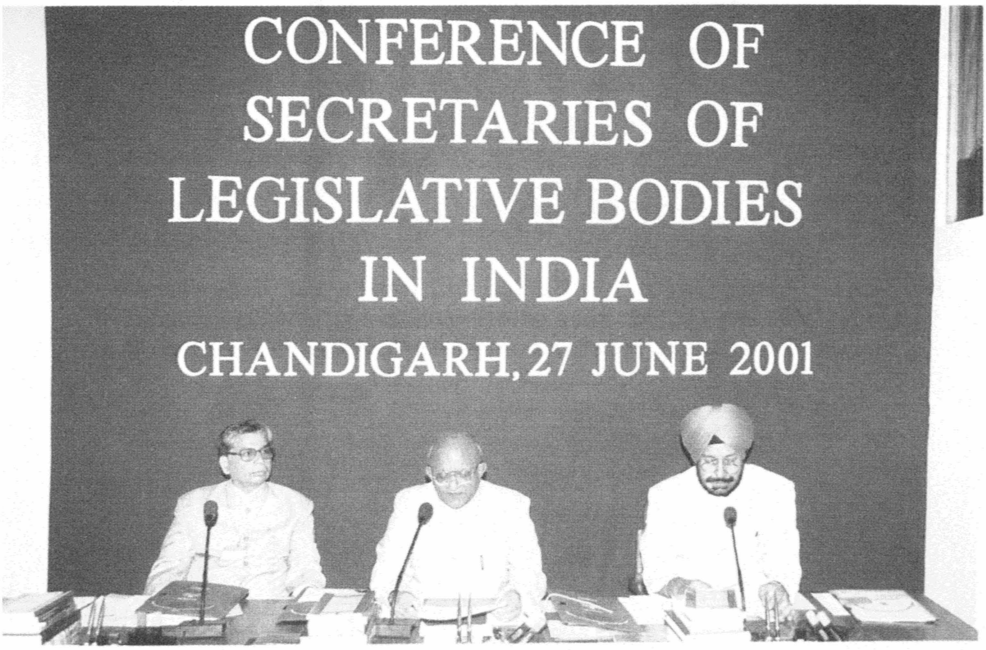
LATIVE BODIES IN INDIA
HUBANESWAR
1994

The Secretary-General of Lok Sabha, Shri C.K. Jain, addressing the Conference of Secretaries of Legislative Bodies in India held in Bhubaneswar in February, 1994

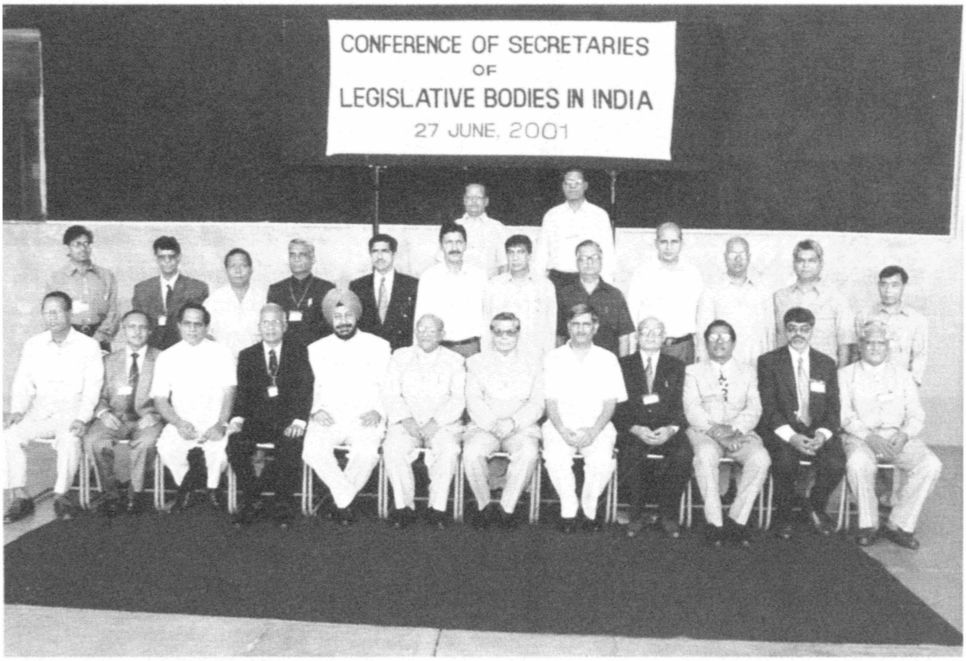


The Secretary-General of Rajya Sabha, Smt. V.S. Rama Devi and the Secretary-General of Lok Sabha, Shri S. Gopalan with the Secretaries from the State Legislatures at the Conference of Secretaries of Legislative Bodies in India held in New Delhi in October, 1996

The Secretary-General, Lok Sabha, Shri S. Gopalan and the Secretary-General, Rajya Sabha, Shri R.C. Tripathi with the Secretaries from the State Legislatures at the Conference of Secretaries of Legislative Bodies in India held in New Delhi in September, 1998


CONFERENCE OF
SECRETARIES OF
LEGISLATIVE BODIES
IN INDIA
CHANDIGARH, 27 JUNE 2001

The Secretary-General of Lok Sabha, Shri G.C. Malhotra, addressing the Conference of Secretaries of Legislative Bodies in India held in Chandigarh in June, 2001


CONFERENCE OF SECRETARIES
OF
LEGISLATIVE BODIES IN INDIA
27 JUNE, 2001

The Secretary-General of Rajya Sabha, Shri R.C. Tripathi and the Secretary-General of Lok Sabha, Shri G.C. Malhotra with Secretaries from the State Legislatures at the Conference of Secretaries of Legislative Bodies in India held in Chandigarh in June, 2001

ANNEXURES

ANNEXURE I

DATES AND VENUES OF THE CONFERENCES OF PRESIDING OFFICERS OF LEGISLATIVE BODIES IN INDIA [1921-2001]

1.	14 and 16 September, 1921	Simla
2.	12-13 January, 1923	Delhi
3.	3-4 December, 1923	Delhi
4.	6-7 January, 1925	Delhi
5.	6-7 January, 1926	Delhi
6.	3-4 September, 1926	Simla
7.	11-13 January, 1928	New Delhi
8.	5, 7 and 8 January, 1929	New Delhi
9.	5-6 February, 1932	New Delhi
10.	16-19 August, 1933	Simla
11.	6-8 January, 1938	New Delhi
12.	18-20 July, 1939	Simla
13.	7-9 January, 1947	New Delhi
14.	10 April, 1949	New Delhi (Emergent Conference)
15.	1-3 September, 1949	New Delhi
16.	21-23 August, 1950	New Delhi
17.	30 July-1 August, 1951	Trivandrum
18.	24-26 October, 1953	Gwalior
19.	14-16 June, 1954 ✓	Srinagar ✓
20.	3-5 January, 1955	Rajkot
21.	2-4 November, 1955	Shillong
22.	17-19 September, 1956	Madras
23.	14-16 October, 1957	Jaipur
24.	8-10 October, 1958	Darjeeling
25.	21-23 January, 1960	Hyderabad
26.	31 December, 1960 and 2-3 January, 1961	Bangalore
27.	27-29 December, 1961	Lucknow

28.	10-11 February, 1963	Chandigarh
29.	6-7 January, 1964	Patna
30.	11-12 January, 1965	Bombay
31.	29-30 October, 1966	New Delhi
32.	14-15 October, 1967	New Delhi
33.	6-7 April, 1968	New Delhi (Emergent Conference)
34.	5-6 October, 1968	Trivandrum
35.	30-31 December, 1969	Panaji
36.	15-16 July, 1970	Srinagar ✓
37.	27-28 October, 1971	Bhopal
38.	5-7 October, 1972	Madras
39.	29 and 31 December, 1973	Gandhinagar
40.	5 and 7 November, 1974	Shillong
41.	23-24 August, 1975	New Delhi
42.	31 May-1 June, 1976	Simla
43.	19-20 January, 1978	Bhubaneswar
44.	21-22 October, 1978	Jaipur
45.	17-18 January, 1981	Bangalore
46.	28-29 December, 1981	Hyderabad
47.	7-8 November, 1982	Patna
48.	2-3 January, 1984	Bombay
49.	25 April, 1984	New Delhi (Emergent Conference)
50.	29-30 October, 1984	Calcutta
51.	26-27 October, 1985	Lucknow
52.	21-22 October, 1986	Delhi
53.	16-17 September, 1987	Srinagar ✓
54.	20-21 January, 1989	Dispur
55.	20-21 September, 1989	Bhopal
56.	11 February, 1992	New Delhi (Emergent Conference)
57.	29-30 May, 1992	Gandhinagar
58.	25-26 June, 1993	Madras
59.	1-2 February, 1994	Bhubaneswar
60.	10-11 October, 1996	New Delhi
61.	21-23 October, 1997	Simla
62.	22-24 September, 1998	New Delhi
63.	30-31 May, 2000	Hyderabad
64.	28-29 June, 2001	Chandigarh

ANNEXURE II

CHAIRMEN OF THE CONFERENCES OF PRESIDING OFFICERS OF LEGISLATIVE BODIES IN INDIA [1921-2001]

	Name of Chairman		Session of Conference
1.	Sir A.F. Whyte	-	September, 1921 December, 1923
2.	Sir Alexander Muddiman	-	January, 1923@
3.	Sir Henry Moncrieff Smith	-	January, 1925@
4.	Shri Vithalbhai J. Patel	-	January, 1926 September, 1926 January, 1928 January, 1929
5.	Sir Ibrahim Rahimtoola	-	February, 1932
6.	Sir Shanmukham Chetty	-	August, 1933
7.	Sir Abdur Rahim	-	January, 1938 July, 1939
8.	Shri G.V. Mavalankar	-	January, 1947 April, 1949 September, 1949 August, 1950 October, 1953 June, 1954 January, 1955 November, 1955

9. Shri M. Ananthasayanam Ayyangar - July-August, 1951
(Acting Chairman)
September, 1956
October, 1957
October, 1958
January, 1960
December, 1960 and
January, 1961
December, 1961

10. Sardar Hukam Singh - February, 1963
January, 1964
January, 1965
October, 1966

11. Dr. N. Sanjiva Reddy - October, 1967
April, 1968
October, 1968

12. Dr. G.S. Dhillon - December, 1969
July, 1970
October, 1971
October, 1972
December, 1973
November, 1974
August, 1975

13. Shri B.R. Bhagat - June, 1976

14. Shri K.S. Hegde - January, 1978
October, 1978

15. Dr. Bal Ram Jakhar - January, 1981
December, 1981
November, 1982
January, 1984
April, 1984
October, 1984
October, 1985
October, 1986
September, 1987
January, 1989
September, 1989

16.	Shri Shivraj V. Patil	-	February, 1992 May, 1992 June, 1993 February, 1994
17.	Shri P.A. Sangma	-	October, 1996 October, 1997[*]
18.	Shri G.M.C. Balayogi	-	September, 1998 May, 2000[**] June, 2001[***]

[@] Since Sir A.F. Whyte was unwell, the Presiding Officers' Conferences held in January, 1923 and January, 1925 were presided over by Sir Alexander Muddiman, President of the Council of State and Sir Henry Moncrieff Smith, President of the Council of State, respectively.

[*] During this Conference, a convention was started whereby the Speaker of the host Legislature was elected the Chairman/Co-Chairman for that particular Conference. Accordingly, the Speaker of the Himachal Pradesh Vidhan Sabha, Shri Kaul Singh Thakur was elected Chairman of the Simla Conference.

[**] The Speaker of the Andhra Pradesh Legislative Assembly, Smt. Kavali Prathibha Bharathi was elected Co-Chairperson of the Hyderabad Conference.

[***] The Speaker of the Punjab Vidhan Sabha, Sardar Charnjit Singh Atwal was elected Co-Chairman of the Chandigarh Conference.

ANNEXURE III

SUBJECTS DISCUSSED AT THE CONFERENCES OF PRESIDING OFFICERS OF LEGISLATIVE BODIES IN INDIA [1921-2001]

SIMLA

(14 and 16 September, 1921)

1. (a) Attitude of members to the Chair
   (b) Order, Order
   (c) Reference to strangers
   (d) Canvassing within and without the Chamber
   (e) Casting votes
   (f) Lists of Speakers
   (g) Seating of members
   (h) Written Speeches
   (i) Unparliamentary expressions
   (j) Language of Council
   (k) Citing documents not before the Council
   (l) Voting of members pecuniarily interested
   (m) Publication of terms of Questions and Resolutions before admission
2. Position of Deputy President
3. Organization of Legislative Chambers
   (a) Council Secretaries
   (b) (i) Constitution, functions and powers of Public Accounts Committees
       (ii) Standing Committees
   (c) Separation of the Legislative Department from the Law Department

4. Amendment of Standing Orders: proper time for general revision of procedure
5. Responsibility for drafting
6. Procedure where the scope of the Government of India and the Provincial Governments may be said to overlap
7. Matters which are *sub judice*
8. Procedure with regard to motions for adjournment
9. Resolutions
10. Questions
11. Excessive length
12. The closure
13. Procedure on Bills
14. Financial Procedure
15. Restriction on Official members speaking a second time
16. Communications to the Government
17. Miscellaneous.

DELHI

(12-13 January, 1923)

1. Report of proceedings
2. Reference to Report
3. Deputy President
4. Report by President of the Legislative Assembly on the amendment of the Standing Orders of the Legislative Assembly
5. Procedure for presenting and receiving public petitions
6. Disorderly conduct: implied powers of the Chair: authority to deal with disorder when not explicitly given by rules and Standing Orders
7. Breach of privileges: premature publication of or reference to the proceedings of a Select Committee

8. Leave to withdraw a motion: correct procedure when voice raised in dissent
9. Interpretation of Rule 47(3) of the Indian Legislative Rules, corresponding with Provincial Rule 29(3)
10. Publication of unparliamentary expressions in the Official Report
11. Time limit on Speeches
12. Admission or disallowance of amendments
13. Quotations from documents not before the House
14. Interpretation of Standing Order 59 (Legislative Assembly) which prohibits the admission of Resolutions containing arguments, inferences, ironical expressions or defamatory statements
15. Circulation of Bills for opinion
16. Written Speeches
17. Pecuniary Interest
18. Motions on matters of public interest which are not intended to be recommended to Government
19. Discussion of Central subjects in Provincial Councils
20. Budget Motions in relation to Standing Order 70 (Legislative Assembly)
21. Expedition in the issue of Official Reports
22. Resolutions: notice of more than one Resolution
23. Bills
24. Questions-
    (a) Disallowance on the ground that the information is available in published reports
    (b) Admissibility of Questions on subject which will be discussed on admitted Resolutions
25. Motion to omit a Grant
26. Procedure on motion for adjournment
27. Closure: discretion of Chair to refuse or accept motion
28. Division: right to demand a division

29. Election of Deputy President by a minority vote
30. Scope of provision authorising the Chair to address the Council before putting the Question
31. Suspension of Standing Orders: instance in Legislative Assembly
32. Interpretation of Rule 8
33. Right of reply:
    - (a) After closure
    - (b) On amendments
34. Voting of Official members
35. Paragraph 4, Secretary of State's Dispatch Public No. 247 dated 23 December, 1920
36. Parliamentary Library
37. Supplementary Points.

DELHI

(3-4 December, 1923)

1. Report of proceedings
2. Ceremonials to be followed at opening of Councils after a General Election
3. Authority of the Chair, Bengal case dealt with by Deputy President
4. Privilege
5. Casting vote of the Chair
6. Motions of a general character not being Resolutions
7. Budget
8. Bills
9. Questions
10. Interpretation of section 80C of the Government of India Act
11. Does the statutory prohibition of the introduction of a measure affecting the public revenues without the sanction of the Governor or Governor-General apply to the moving of Resolutions, the acceptance of which would affect the revenues?

12. Procedure to be followed where statutory rules are laid on the Table of a Chamber for the approval of the Council
13. Responsibility of Minister for act of Government on Reserved Side affecting administration of subject in his charge
14. Power of President to refuse to put Question when he holds that a clause of a Bill would be *ultra vires* of the local Legislature.

Supplementary Agenda

1. (a) Once the report of a Select Committee has been taken into consideration and discussed in part, is it permissible to postpone further discussion to a further session?

   (b) If it is permissible, has the President any power to prevent any motion put in the previous session from being put and discussed again?
2. Is the Secretary obliged to print on the paper every amendment of which notice has been received or only such amendments as have been admitted?
3. How far and in what way can a member move for the omission of a Grant intended as the salary of an Imperial Officer and therefore, non-votable? When the salary is attached to a new appointment, the question has given difficulty.
4. Interpretation of Rule 8(2) and Standing Order 16 (Assembly) regarding the admission of Questions. Does not Governor's jurisdiction begin only if and when President refers a Question to him?
5. Procedure for the election of an elected President.

DELHI

(6-7 January, 1925)

1. Privilege
2. Election of second President
3. Casting vote
4. Budget Procedure
5. Admissibility of motions other than Resolutions

6. Laws requiring previous sanction under section 80A of the Government of India Act
7. Power of President to disallow Resolutions under Rule 23 read with Standing Order 60
8. Motions for adjournment
9. Return of Bill in part under section 81A(1)
10. Resolutions adjourned by vote of Council.

DELHI

(6-7 January, 1926)

1. Term of office of elected Presidents. Does it end with dissolution of Assembly or Local Council? Desirability of making a provision, as in the House of Commons Speakers Act, 1832, continuing the office of President till a new President is elected
2. Is it desirable to secure a convention that the President should be returned unopposed from any constituency?
3. (a) Question of separation of the office of the Assembly or the Legislative Council from the Legislative Department
   (b) Communications between Assembly or Council Secretary and the Viceroy or Governor on matters relating to Assembly or Council. Should they go through the President? Should not the President be consulted before the Secretary places proposals before the Viceroy or Governor?
4. Exemption of Presidents from attendance in civil courts
5. Appointment of a Speaker to the Executive Council or any other office under the Crown
6. Deputy President—Is he at liberty to put Questions and move Resolutions in the House?
7. Publication of Questions and Resolutions in the Press before admission by the President—should it be permitted or not?
8. Is a questioner allowed to refer to a newspaper by name in his Question?
9. How far Questions relating to Railways are to be allowed in Provincial Legislatures?

10. (a) Can a Government member, in reply to a Question which has been admitted by the President, say:— "I decline to answer the Question"?

(b) Has the President any control over the statement made by a Government member in reply to a Question put by a non-official member?

(c) Can he call to order or stop the statement being made if it be irrelevant or be couched in intemperate language or consist of ironical expressions?

11. Rule 8 of the Assembly and Legislative Council Rules: "doubt" Whose doubt is referred to? If the President has no doubt on the matter, is a member entitled to go to the Viceroy or Governor for the purpose of admission?

12. Allotment of days for non-official work other than Resolutions and Bills

13. Motions other than Resolutions. How far allowed under the present rules: nature of changes required?

14. Whether motions of condolence relating to death of strangers to the Council are appropriate in the Council?

15. What are the tests of "urgency" in respect of motions for adjournment for the purpose of discussing matters of urgent public importance?

16. (a) When the Council has adjourned for discussing an urgent matter, can a proposition embodying the decision of the members on that matter be allowed to be moved?

(b) If a motion for adjournment of the business of the Council is carried, is it necessary to adjourn the business of the Council for a short while or can the next item of business be proceeded with at once?

17. (a) Bills: notice of motion for leave to introduce a Bill requiring sanction under the Government of India Act. What is the date from which such notice takes effect? Whether it is the date on which it was originally received or that on which a copy of the sanction was received? Whether a fresh notice should be asked for with the sanction annexed?

(b) Notice of motion for leave to introduce a Bill held by President to require sanction, but subsequently held by the Government of India not to require sanction. If such order is received too late to proceed with the Bill during the session, or is received after the date fixed for the introduction of non-official Bills, is the member to be asked to give a fresh notice for the next session?

18. Publication of non-official Bills to dispense with the motion for leave to introduce them

19. Speeches on motion for leave to introduce a Bill: when permitted?

20. (a) Bill ordered by Council to be circulated for the purpose of eliciting opinion. Who should do the circulation? Is it the Administrative Department in-charge or the Council Office?

    (b) What is meant by circulation? Whether it means circulation to people to whom the Local Government usually circulate legislative measures for opinion, or people to whom the President thinks it should be circulated or is publication in the Gazette circulation?

    (c) Whether in such a case it should be published in the Gazette again inviting opinion?

    (d) By whom and how should the report of opinions received be presented to the Council?

21. Section 80-C of the Government of India Act:

    (a) "Introduce"—Meaning of—does it cover amendments?

    (b) "affect"—does that term apply only to a proposal to increase the rate proposed by Government or does it apply also to a proposal to reduce that rate?

    (c) does the section apply only to proposals affecting existing taxation or whether it extends also to proposals for future taxation?

22. Report of Select Committee appointed for amendment of Standing Orders. Who shall present it, in case the member who proposed the amendment is not a member of the Committee? Does he cease to be a member-in-charge for the purpose of presenting report?

23. Whether any and if so, what arrangements are feasible and necessary to ensure that the strength of the Select Committee corresponds to the strength of the respective parties in the House?

24. How are Select Committee reports to be signed? Should they be sent round to all members of the Select Committee or only to those who attended the meetings? What is to be done in the case of a member who attended only some of the meetings but not all?

25. How far amendments which require previous sanction and have not been sanctioned by the Government of India can be taken into consideration in Provincial Councils?

26. Moving of substantive amendments at the third reading of a Bill. How far permissible? Standing Order 49(3)

27. (a) Amendments to Resolutions or Bills. Amendments which operate as a restriction on the Grant of any benefit proposed by Resolution or Bill. Are they within the scope of the Resolution or Bill and thus in order?

    (b) Query:

    What would be the effect on the rest if any of the amendments below be carried?

    Substantive Motion:

    "The Bill be referred to a Select Committee consisting of A, B, C, D and E."

    Amendments:

    "(i) The following names be added to the Select Committee:— F, G and H."

    "(ii) The following names be added to the Select Committee:—F, G, J and K."

    "(iii) The following names be added to the Select Committee:— F, L, M and N."

    Query: Amendment No. (i) was put and carried, will the rest fail?

    Substantive Motion:

    "That Rs. 2,00,000 be earmarked for the education of the students of the depressed classes."

    Amendments:

    "(i) In the above, 'Rs. 2,00,000' be replaced by 'Rs. 5,00,000' and the word 'primary' be inserted before the word, 'education'."

"(ii) In the above, 'Rs. 2,00,000' be replaced by 'Rs. 3,00,000' and the words 'technical and industrial' be inserted before the word, 'education'."

"(iii) In the above, the words 'depressed classes' be replaced by the words, 'namasudra community'."

Query:

What would be the effect on the rest if any of the amendments (i), (ii) or (iii) be carried?

(c) Query:

When a Bill has been introduced and a motion made by the member-in-charge under Standing Order 43 (Bengal) or 52 is defeated, does the Bill lapse, or is the member at liberty (having regard to Bengal Standing Order 32) to repeat the motion at a subsequent session?

28. What should be done where, by mistake, a motion has been declared to be carried or lost by the person presiding?

29. What should be the guiding principle in the case of an equality of votes among rival candidates for Presidentship? Is it to be the casting vote of the Chairman for the time being, or is to be by casting of lots, or is it to be some other course?

30. Whether voting for Presidentship and other offices should be by ballot at all?

31. Necessity for a Legal Advisor to the President

32. Rule 5 of the Council Rules. What is the meaning of the word "assistants"? Does it include all members of the staff, such as Superintendents, etc.?

33. (a) Unparliamentary expressions

(b) A member must not reflect upon the conduct of His Majesty, the King, or the Governor-General or any Governor or any Court of Justice. (Standing Order 14(2) (i) of Assam and Standing Order 29(2)(iv) L.A.)

What does the term *'conduct'* mean? Can any member *criticise* a speech or any order or action of any of the authorities mentioned in the Standing Order above?

34. Record of Vernacular Speeches in Council

35. Is it permissible for a non-official member of the Council to frame his Resolution in such a manner as to ask for the Grant of a specific sum of money for a particular institution or for a particular object in his view?

36. Whether it is desirable to have a permanent Chairman for Select Committees?

SIMLA

(3-4 September, 1926)

1. GENERAL

(a) Should the President be consulted by the Governor before the Council is prorogued or summoned and should he be at liberty to suggest to the Governor the calling of a meeting of the Council?

(b) Procedure to be observed at the first meeting of the new Council and election of the President

(c) Can a person nominated or elected as a member of the Legislative Council take part in the election of a representative of the Council on another body like the Senate of a University before he has taken his oath of allegiance to the Crown?

(d) Can a motion for the adjournment of the business of the House made under Rules 11 and 12 of the Legislative Council Rules be — (a) amended; (b) withdrawn?

(e) Can the President, if he thinks that the debate has been sufficient, put the Question of his own accord?

(f) Should the closure be accepted when a motion for the adjournment of the House for purposes of debate is under discussion?

(g) What is the interpretation of Standing Order 6(2) of the Bengal Standing Orders? What is the exact significance of the expression "Complete session" in the proviso to that Standing Order?

(h) What is the meaning of "grossly disorderly"? There has been some difference of opinion as to the intention of the phrase

(i) What is the effect of the words "unless the President in the exercise of his power to suspend this order allows the motion to be made" in the proviso to Standing Order 13 of the Bengal Council?

(j) The question of branches of the Empire Parliamentary Association, in connection with Provincial Councils—representation of the Provincial Councils at meetings and conferences of the Empire Parliamentary Association

2. QUESTIONS

(a) Can Questions of which notice is given by members who are absent on the day when they are to be put in the Council, be put and answered?

(b) Can a member who is absent, authorize another member to put a Question for him?

(c) What procedure should be adopted as regards Questions which are left un-answered at the end of a session? Should supplementaries be allowed in answer to lapsed Questions which are laid on the Table at the next session?

3. RESOLUTIONS

(a) Interpretation of Rule 22(1) and Standing Order 60. Is the President bound to disallow, under Standing Order 60, a Resolution which, in his opinion, is not the primary concern of the Governor-General or the Governor, but which is otherwise in order?

(b) Is there any objection to members of Government moving Resolutions which are recommendations to Government?

(c) Are Resolutions by non-official members recommending the Grant of definite sums of money for particular objects admissible or not?

(d) Is a Resolution of the Government admissible which seeks to carry forward to the next year the unspent portion of the Budget provisions on account of Major Works, subject to the condition that the expenditure proposed to be incurred will not exceed the amount previously voted by the Council, and that a Supplementary Demand will be put forward at the next meeting of the Council?

4. LEGISLATION

(a) Effect of Government of India's letter No. F-290-2825, dated the 13th June, 1925, to the Chief Secretary to the Government of Madras

(b) If sanction is obtained by a particular member to the introduction of a certain Bill during a particular Council, can that sanction be utilised by that member alone and not by any other member or can that sanction be utilised by the member during that particular Council only and not during the next Council after a fresh election?

(c) Where a member has given notice of his intention to move for leave to introduce a Bill with a copy of the sanction attached but has not been able to introduce the Bill before prorogation, can he utilise the sanction and give fresh notice during the next session?

(d) Can a motion for leave to introduce a Bill be made by a member other than the member giving notice:

(i) In the case of Bills requiring previous sanction, and

(ii) In the case of other Bills?

(e) Should the Councils adopt the procedure of the House of Commons as regards Resolutions embodying certain instructions to the Committee of the House on the second reading of a Bill under certain restrictions without a change in the Standing Orders?

(f) At what stage can a Council instruct a Committee as to the changes to be made in the principles of a Bill? Can such an instruction be given at the time when the Bill is originally sent to a Committee?

(g) Can a Select Committee go back upon the principles settled in Council at the first reading?

(h) Who is to be appointed Chairman of the Select Committee in the case of Bills brought in by private members?

(i) How far is a reference to the proceedings of the Select Committee permissible in the House?

(j) On a motion for the consideration of a Bill as reported by the Select Committee, can an amendment be moved for re-circulation of the Bill if the Bill had not already been previously circulated before its reference to Select Committee?

(k) (i) Can an amendment to an amendment be moved without two days' notice on the spur of the moment?

(ii) What procedure should be followed if it is objected to?

(l) What is the exact meaning of the provisions in paragraph 82 of the United Provinces Manual? If consideration of a Bill is fixed for a certain date and then adjourned, from what date should the two days mentioned in paragraph 82 be calculated? Should it be from the date originally fixed or from the date to which the consideration has been adjourned?

(m) When the question is put that a clause in the Bill as reported by the Select Committee stand part of the Bill, can any member move for its deletion without notice or begin opposing it even without a regular motion for the omission of that clause?

(n) Interpretation of section 81A (2):

(i) Has the Governor power to return a Bill under section 81A (2) for reconsideration in part and can he send amendments to the Bill?

(ii) If he can send amendments, is his power exhausted with the first list of amendments or can he send amendments a second or third time and in any case, can he send amendments after the expiry of the period of six months mentioned in section 81A (2)?

(iii) Can private members bring forward amendments to:

(I) those parts of the Bill which are touched by the Governor's amendments, and

(II) those parts of the Bill which are not touched by them?

(o) Can a special member appointed under section 72A (2), proviso (1) of the Government of India Act for the purposes of a Bill, continue to sit in his seat in the Council after the conclusion of the Bill and after some other business is commenced without taking part in such business?

(p) According to the Standing Orders of the Central Provinces Legislative Council, when a Select Committee is appointed for the consideration of a Bill introduced by a non-official member, the member of Government in-charge of the Department to which it relates is an *ex officio* member and has to preside at the meetings of the Select Committee. If before the Select Committee meets, the member-in-charge of the Department is transferred to another Department in the same Government, which member should be present and preside at the Select Committee meetings—the member transferred or the member-in-charge at the time when the Select Committee meets?

If the member of Government in-charge of the Department who is elected or named on this Committee, goes on leave or is transferred elsewhere, who is to preside?

NEW DELHI

(11-13 January, 1928)

1. WITHDRAWAL OF CANDIDATURE FOR PRESIDENTSHIP

At what stage should it be allowed? Necessity (in such a case) for formality of an election when there is only one other candidate.

2. QUESTIONS

(a) Is there any practical advantage in differentiating between starred and unstarred Questions?

(b) Should there be uniformity of procedure as regards making answers to Questions available to members before the Question has been put and replied to?

(c) Can the President as a special case proceed to the other business of the House without devoting the first hour of the meeting to Questions (Standing Order 30)?

(d) How should the period of ten days' notice prescribed for Questions be computed in the case of Questions received especially after a General Election and before the election o the President?

(e) Should the notice begin to run from the date of receipt of the Question or from the date of election of the President?

(f) Should the 10 days' notice be reckoned from the opening date of the session? In the case of a long session with occasional intervals, should the period be reckoned from the first day of the last unbroken series of meetings?

(g) Is it proper for the Chair to make any suggestions to the Government in regard to the answering of Questions or to advise the Government to answer any Question when the Government refuses to do so, in view of the fact that the Chair has no authority to enforce his suggestion or advice?

(h) Are nominations to the Legislative Council made by the Governor under the Electoral Rules a proper subject for interpellation or should Questions on this subject be ruled out under Legislative Rule 7?

3. MOTIONS

(a) Are Adjournment Motions admissible for the purpose of discussing a subject which was put down for discussing during the voting on Demands for Grants but could not be discussed owing to the operation of the time-limit?

(b) Does the discussion of a matter during the General Budget discussion bar a motion for adjournment to discuss the same matter?

(c) Can a matter discussed during the Budget be discussed again during the same session by means of a Resolution?

(d) What is the nature of the President's discretion under Rule 11 and Standing Order 23 in regard to ruling out an Adjournment Motion? Can he exercise the discretion independently of Rule 12? Inter-relation of Rules 11, 12 and 22(2) and Standing Order 23

(e) Has the President power *suo motu* to disallow Adjournment Motions on the ground that the subject-matter pertains to a Central, or to a Provincial subject, as the case may be (*Cf.* Rule 22)?

(f) Can the statement of the matter to be discussed on an Adjournment Motion which has been left with the Secretary, be amended after leave has been granted? If so, to what extent?

(g) Has the mover of an Adjournment Motion a right of reply?

(h) Is it within the discretion of the President to postpone an Adjournment Motion from one day to a more convenient date?

(i) If a motion for adjournment is allowed to come up during the Budget discussions, how is it possible to reconcile the rule which allows the motion to be discussed from 4 P.M. to 6 P.M. with the rule which requires Demands for Grants to be put to the vote at 5 P.M.?

(j) Is the bar to a motion for adjournment on the ground that a Resolution has been previously tabled on the same subject removed if the Resolution is withdrawn?

(k) Can any motion be withdrawn after the closure has been carried?

(l) What is the correct procedure to be followed when the mover of a motion wishes to withdraw it?

(m) Can a motion for the postponement of an item included in the List of Business be made before the item is actually reached?

(n) What are the criteria which should guide the President in allowing or disallowing motions expressing want of confidence in a Minister? (*See* Rule 12A)

(o) Motion of no-confidence against a Minister: has the President power to allot a day for the discussion of such a motion beyond the date allotted by the Governor for the business of the session?

(p) Has a member the right to speak again on a motion to which he has moved an amendment? Has the mover of an amendment a right to reply?

(q) Has the President inherent power to refuse to put to the Council a motion which, in his opinion, it would be *ultra vires* of the Council to pass?

(r) After the President has admitted a Resolution, can the Governor *suo motu* or on the motion of a Government Department disallow it on any of the grounds mentioned in Rule 23? (*See* United Provinces Council Rules)

(s) Can a member of the Government move a Resolution on a day allotted for non-official business? If so, does it fall under Standing Order X 1(d) requiring notice under Standing Order X 1(a)? (*See* Bombay Standing Orders)

4. BILLS

(a) Where a Private Bill has been published before introduction by order of the Governor thus obviating the necessity of a motion for leave to introduce, does such publication also obviate the necessity of balloting the Bill?

(b) Has a motion for leave to introduce a Private Bill to be ballotted for? If so, should a motion for reference of the same Bill to Select Committee be also ballotted for? (*See* United Provinces Rules and Standing Orders)

(c) Can a Private Bill (or a non-official Resolution) be taken up on a Government day with the consent of the Government without being ballotted for?

(d) Where the period of notice of a Private Bill has been extended beyond one month under Rule 19 (4) and the session terminates before the extended period of notice, does the notice remain alive till the next session or does it lapse as a "pending notice" on the termination of the session?

(e) How should the period of notice of a Private Bill be calculated, whether from the first day of the session or from the day on which the motion for leave to introduce is made?

(f) Has the President the right to give a ruling on the Question as to whether a Bill requires previous sanction? What is his position regarding amendments to Bills which may require sanction?

(g) In case of prorogation subsequent to publication in the Gazette but before introduction, does a Private Bill lapse or can the member-in-charge subsequently introduce the Bill? (*See* Madras Standing Order 38)

(h) Can the Statement of Objects and Reasons, subsequent to the introduction of a Bill, be amended without the leave of the House?

(i) What is the effect of dissolution of a Council on a Bill which has been passed by the Council and:

  (i) is returned by the Government under section 81-A(1) of the Government of India Act in whole or in part, or

   (ii) is reserved by the Governor for the consideration of the Governor-General and is subsequently returned by the Governor with the consent of the Governor-General under section 81-A(2) of the Government of India Act?

(j) Where a non-official member gives notice of a Bill which the President considers to be *ultra vires* of the Government of India Act, what action should the President take?

(k) When a motion to refer a Bill to Select Committee is negatived, does the Bill lapse or does it remain pending?

(l) Does Legislative Rule 19(3) which provides for referring the question of previous sanction to a Bill to the authority which has power to grant the sanction apply to official as well as to non-official Bills?

5. SELECT COMMITTEES

(a) Before a Select Committee can meet, should it be ascertained that all the members of the Committee have actually received notice of the date of meeting or is it sufficient if notices are despatched to all the members to their last known addresses in time to reach them?

(b) Should members of a Select Committee who have been absent from all or any of the meetings of the Committee sign its report?

(c) Can a Select Committee on a Bill sit (i) after prorogation, (ii) at a place different from that appointed by the Governor as the place for holding the session?

(d) Should a non-official member of a Select Committee continue to sit on the Committee after he becomes an official member, *e.g.*, by appointment as a member of the Executive Council?

6. BUDGET

(a) Order in which reduction motions should be taken up: is it in order to take up first a motion for the complete omission of the total Demand before reduction motions have been discussed?

(b) Is a motion for a token cut in a Demand to be allowed to be moved only if the mover intends a vote of censure or should such a motion be allowed to be moved merely to raise a general discussion of policy?

(c) Should a question of general policy be allowed to be raised on a motion for a big cut?

(d) Supplementary Grants: is 14 days' notice necessary in the case of Supplementary Grants as is the case of the Budget Grants? (*See* Bombay Standing Order XI 1)

(e) Can the necessity for legislation and matters involving legislation be discussed on a reduction motion?

(f) Is it permissible to criticise a High Court's action on a motion for reduction of expenditure on the Court?

(g) Can more than one motion for reduction of the same item be made in order to debate several questions of policy?

(h) Does a motion for reduction imply censure on Government as a whole or only on the member-in-charge; for instance, is it permissible to raise the question of the release of a certain class of prisoners on a motion to reduce the Demand for Jail Administration?

(i) Is the system of moving further Grants as an addenda to the Budget Demands legal? Application of the guillotine to such motions

(j) Where the Government are in a position to reappropriate the greater part of the required amount from existing allotments, can Government move a token Demand for a Supplementary Grant instead of making a Demand for the actual amount required for the new scheme or service?

(k) If the motion for reduction has not been put when the time limit for the discussion of the Grant is reached, must the President put the motion for reduction as well as the Demand for the whole Grant to the House, or only the latter?

(l) Can a motion for adjournment or postponement of business or that the Council do pass on to the next item of business be moved on a day allotted by the Governor for the general or detailed discussion of the Budget? (*See* Madras Standing Order 34)

(m) Are outstanding motions for reduction of Grants, "outstanding matters" within the meaning of the rule which requires that on the last of the allotted days at 5 o' clock, the President shall forthwith put every question necessary to dispose of all outstanding matters in connection with the Demands for Grants?

7. CLOSURE

(a) In view of the provisions of section 72-B(4) of the Government of India Act, are not the provisions of the Standing Orders *ultra vires* insofar as they give discretion to the Chair to decline to put a motion for closure?

(b) Must a motion for closure, at whatever stage made, be at once put? (*See* Standing Order 31 C.P.)

(c) Can a closure be moved while a member is addressing the House?

8. MISCELLANEOUS

(a) Where a motion has been carried by one vote and it is subsequently discovered that a member had voted on both sides, what is the remedy? Can the division list be corrected so as to revise the decision?

(b) To what extent does the voice of a member who has called "Aye" or "No" bind his vote when there is a division? Can a member who has called "Aye" vote against the motion when the division is taken?

(c) What is the proper course to adopt when a member having a personal interest in the question takes or intends to take part in the voting? *e.g.*, has the Minister a personal interest in a motion of no-confidence moved against him?

(d) Should the doors of the Council Chamber be kept open all the time when a division is being taken or should they be closed after the calling of the division?

(e) Criticism outside the House by a member of a ruling given or other action taken by the Chair: what power has the President to deal with such reflections on the conduct of the Chair?

(f) Is the issue of 'Whips' derogatory or attributing improper motives to a section of the House in regard to any item of business on the agenda permissible? If not, to what extent and how is the President to deal with the matter?

(g) Would the definition of "Member of the Government" include the Secretary of the Department so as to authorize him to speak last in a debate even though the Minister or member-in-charge is present?

Would the definition apply to the Secretary replying to Supplementary Questions addressed to the Minister or member?

(h) Interpretation of Rule 14 (Language in the Assembly). Members perversely denying their familiarity with the English language: can the President act on his own knowledge of the member's powers of speaking English and refuse him the right to speak in the Vernacular on the ground that the member is sufficiently fluent in English?

(i) When a meeting of the Council has been postponed under section 72B (3) to a particular date, can the person presiding before the arrival of that date postpone it to a further date?

(j) Whether the separate Legislative Council Office, if any, should be an autonomous one under the control of the President (subject only to the financial limitations of Budget allotment and audit) or whether it should be under the administrative control of any Government Department and if so, to what extent?

(k) Can the Governor convert a non-official day into an official day once he has allotted certain days for non-official business?

(l) To what extent should the Secretary, with the President's approval, correct or formally alter members' Questions, Resolutions, Motions, etc.?

(m) Is the agenda as issued to members to be considered as absolutely final or is it permissible to correct or modify it before the commencement of the meeting? (*See* Bombay Standing Order IV 2)

(n) Is it necessary to ask the leave of the House before petitions which are presented to the Council by a member are placed on the Table?

NEW DELHI

(5, 7 and 8 January, 1929)

1. QUESTIONS

(a) Can a Question be addressed to the President?

(b) Who is the proper person to obtain the consent of the member of Government concerned to allow a Question to be put at short notice—the President or the member who has given notice of the Question?

2. MOTIONS

(a) What are the principles on which a President can give his consent to, or withold his consent from, a motion under Rule 24A?

(b) When a Resolution has been moved can a motion under Rule 24A be moved within one year raising substantially the same question?

(c) How far is the decision of the Council on an Adjournment Motion or on a Resolution a bar to the discussion of the same question on a Budget Motion or *vice versa*?

(d) Can an Adjournment Motion for discussing a definite matter of urgent public importance be made with reference to a matter regarding which a notice of motion has been previously given?

(e) (i) What should be the form and contents of a motion of no-confidence?

(ii) Can a No-Confidence Motion be moved against a Minister as regards his attitude towards the policy of Government in the reserved half? Can this question be considered by the President in giving or withholding his consent to the motion?

(f) Does Rule 24A apply both to Government and non-official motions? Under what rule or Standing Order can a Government member make a motion for the election of a Committee of the House, *e.g.*, the Standing Finance Committee?

(g) Under Standing Order VII 1 (3) of the Bombay Standing Orders, the President may adjourn the business of the House at 4 P.M. if "more than 30 members" rise in their places in support of an Adjournment Motion but if "less than 30 members" rise the President shall inform the member concerned that he has not the leave of the House. What is the position if exactly 30 members rise? Has the President any choice in giving a decision?

(h) Is it permissible to move an Adjournment Motion for the purpose of discussing a speech delivered by the Government either in the House or outside?

(i) After the President, under Rule 12A, intimates that leave is granted for a motion expressing want of confidence in a Minister and that the motion will be taken on a particular day, can the Governor disallow the motion or part of the motion under Rule 24A (3)? Does the word "motion" in Rule 24A (3) include a No-Confidence Motion also? If so, why is the case of Adjournment Motions separately provided for in Rule 22 (2)?

3. LEGISLATION

(a) Can a motion for referring a Bill to Select Committee be withdrawn? If so, does it require the leave of the House? What is the effect of such withdrawal on the Bill?

(b) (i) When the Select Committee has reported on a Bill, must the report be presented within the time prescribed?

(ii) If the report is ready and has been published in the Gazette, can the member-in-charge refuse to present it? If he does not present it, what is the effect on the Bill?

(iii) If the report is presented at a later session, can any objection be raised to such procedure?

(c) (i) Does a Bill stand rejected if an amendment of principle is carried at the first reading? If not, what is the effect of carrying such an amendment?

(ii) Are such amendments moved by proposing changes in the clauses or by means of a Resolution?

(iii) If the Bill is referred to a Select Committee, are these changes incorporated in the Bill before it goes to Select Committee or do they merely operate as a direction to the Select Committee?

(d) When a Bill has been referred to Select Committee, is it permissible to discuss in the Select Committee an amendment which requires previous sanction under section 80C of the Government of India Act before such sanction has been obtained? What should be the procedure in such a case?

(e) (i) Can a member record a minute of dissent without signing the majority report of the Select Committee?

(ii) What is the procedure to be followed if a member does not wish to subscribe to the majority report and yet wishes his contrary conclusions to be published? Should the record of such conclusions be treated as a "minute of dissent"?

(f) The mover of an amendment to a Private Bill has a right of reply (Bombay Standing Order 9). Does the member-in-charge of the Bill have a final right of reply or must he have his say during the discussion on the amendment and before the mover of the amendment replies? If he can speak after the reply of the mover of the amendment, must he do so before or after the final reply of the Government member?

(g) Can a member introduce a Bill containing provisions identical with those of a Bill already before the Council?

(h) What principles should be followed in dealing with Bills containing similar provisions on the same subject which are before the Council at the same time? Should such Bills be referred to the same Select Committee and should not the Committee submit a separate report on each Bill?

(i) Is it *ultra vires* of the Government of India Act to have in a Bill a provision like section 221 of the Bombay City Municipal Act, 1926, set out below:—

"All rules made by the Government or the Commissioner under this Act shall be laid on the Table of the Bombay Legislative Council for one month previous to the next session thereof and shall be liable to be rescinded or modified by a Resolution of the said Council tabled at its next session."

(j) What is the effect of the death of a member on a motion relating to a Bill (*e.g.*, reference to a Select Committee) which has been moved by him, but the debate on which has not concluded?

(k) Who is the proper person to obtain the necessary sanction to the introduction of a Bill—the President or the member who has given notice of the Bill?

4. BUDGET

(a) If it is permissible for the Finance Member who has moved a Demand of 20 lakhs for famine relief, to amend his Demand by increasing it to 30 lakhs with a view to meet the wishes of the House?

(b) If the Government presents additional or further Demands in the form of an addendum to the Budget, should its items be treated as supplementary to the Budget items under the corresponding heads for the purposes of reduction motions and should the amount of a further Demand be added to the amount of the corresponding Budget Demand when putting the total Demand to the vote? Or should addendum Demands and items be discussed and put separately?

(c) Which should be taken up first for discussion and voting—token or substantial reduction motions?

(d) Should all token motions whether of large figures or small be treated as of the same value, without reference to the actual amount of the proposed reduction for purposes of giving priority?

(e) Should a member who has tabled both a substantial reduction motion and a token reduction motion be allowed to convert his substantial reduction into a token reduction and reduce his token reduction from say, three figures to one figure? If so, should he be permitted to move his altered reduction motions before higher reduction motion on the list thus giving him priority over members whose reduction motions were of lower figures than his original motions?

(f) Should a member be permitted to delegate his right of moving a reduction motion to another member? If so, should such permission be given only if he is unable to be present? Or should he be allowed to be present in the House during the discussion or during the voting either on the particular item to which his motion refers or on the whole Demand?

(g) Supposing three members have each tabled a token reduction motion under the Head of Grants to Universities relating, respectively, to the absence of a Chair of Fine Arts at Lucknow, the absence of a Chair of Politics at Allahabad and the insufficiency of funds granted for a library at Aligarh, is it permissible to allow all three to move their motions in succession and then put them separately to the vote of the House?

(h) What is the proper procedure to follow when the Audit and Appropriation Report of the Public Accounts Committee is placed before the Legislative Council under Rule 34 (2) (*See* Rule 52 (2) of the Legislative Assembly Rules)

5. RESOLUTIONS

(a) Is there any bar to "widening" the scope of a Resolution by an amendment so long as the amendment is relevant to the subject matter of the Resolution, is not merely of a negative nature or frivolous and is not otherwise barred under the rules or Standing Orders?

(b) When the President has, under the rules, permitted a Resolution standing in the name of a member to be moved by another member, is it permissible for the former:

  (i) to participate in the debate,

  (ii) to vote on the Resolution?

(c) After the relative precedence of non-official Resolutions has been determined by a ballot, is it permissible for any member to change his place on the priority list with that of any other member or to give up his priority in favour of another member?

(d) What is the effect of the death of a member on a Resolution which has been moved by him but the debate on which has not terminated?

6. MISCELLANEOUS

(a) Under what rule or Standing Order are "statements" made in the House? Does Standing Order XII (5) of the Bombay Legislative Council Standing Orders refer only to communications by Government members or also to communications by non-official members?

(b) Can the Chair, after having accepted the closure, revoke its decision and allow the debate to continue?

(c) (i) Is it permissible for any one without the permission of the President to place on the tables of members in the House before the commencement of a meeting any leaflet, circular or other paper? If the matter is brought to the President's notice, what action should be taken?

  (ii) If any member, individual or society asks the President for permission to distribute to members or to place before members in the House any pamphlet, circulars, etc., should the President comply with such request?

(d) Should the President extend a sitting of the Legislative Council beyond the usual time of adjournment at the request of the Government or any other party in the House with a view to facilitate the disposal of business in which that party is interested? If so, should he do so after taking the vote of the House and how often may a sitting be extended and up to what time?

(e) Is it proper for the Governor to extend a session from date to date beyond the days already fixed with a view to the disposal of any Government Bill or Supplementary Demands?

Supplementary Agenda

1. A local area is excluded expressly from the operation of a certain Act. Certain sections of this Act are sought to be amended by means of a Bill. Can any member bring up an amendment so as:

   (a) to make the amending Bill operative in the excluded areas, and

   (b) to amend sections other than those sought to be amended by the amending Bill?

2. What exactly is the significance of the words "scope of the Bill"? Do they mean its object or its extent, *i.e.*, do they refer to the subject matter or the area to which the Bill applies?

NEW DELHI

(5-6 February, 1932)

1. QUESTIONS

(a) What is the practice in the various Legislative Councils regarding distribution of Questions and answers among members? Are they distributed before the hour of the sitting at which the Questions are to be asked and if so, when?

(b) Should the President allow a Question which is not self-contained but merely refers to the contents of a newspaper article?

(c) Should the period one hour allotted for Questions under Standing Order 8 of the Central Provinces Council not commence after the swearing in of members and nomination of the Panel of Chairmen as required by Rule 3 of the Central Provinces Legislative Rules at the first meeting of each session?

(d) Is it open to the President to limit the number of Questions to be asked by each member?

(e) Can Questions signed by the private secretary of a member or by any other person on behalf of the member be considered to be *bona fide* Questions?

2. MOTIONS

(a) Can the President insist that his consent, under Rule 11, to the making of an Adjournment Motion for discussing a definite matter of urgent public importance should be obtained outside the Council before the sitting at which leave is asked for making it?

(b) If an Adjournment Motion to discuss a *lathi* charge in one place has been discussed by the House, should a member be permitted to make another Adjournment Motion at another sitting during the same session with reference to a subsequent *lathi* charge in another place?

(c) Can a motion for the adjournment or postponement of the business of the President's election be made under Standing Order 33 of the Madras Legislative Council?

(d) Can a motion for adjournment be tabled in respect of the doings of a Minister in spite of Rule 12-A?

3. LEGISLATION

(a) (i) Can previous sanction be obtained for the introduction of a Bill be utilised for moving an amendment to another Bill?

(ii) When previous sanction has been obtained for two distinct Bills, can they be consolidated into one and consolidated Bill introduced without fresh sanction?

(b) (i) Does a Bill dealing with beggars and containing a clause empowering the Local Government to provide suitable places for the housing and employment of beggars require the previous sanction of the Governor under section 80-C of the Government of India Act?

   - (ii) What is the exact meaning of the words "affecting the public revenues of a Province or imposing any charge on those revenues" in section 80-C of the Government of India Act?

(c) In the absence of any provision in the Standing Orders for referring a Bill to a Committee of the whole House, has the Council got inherent power to entertain such a motion?

(d) Can the President be a member of a Select Committee? If so, is he bound to preside, or can he appoint another person to preside? If he does not appoint himself or any other person to preside, can he preside himself?

(e) If a Select Committee on a Bill introduces provisions requiring previous sanction, should the Bill be re-committed to Select Committee for the deletion of the provisions or can the Council delete the provisions and make other appropriate amendments?

(f) Can a member move that a Bill which has been once reported on by a Select Committee be re-committed:

   - (i) to a Committee of the whole House,
   - (ii) to another Select Committee?

(g) (i) Is it open to a Select Committee to say that its report shall be published within a certain time?

   - (ii) Where a Select Committee gives such a direction, can the publication of the Bill be withheld within the specified date at the instance of a Department of Government on the ground that the member of Government in-charge has not had time to write his minute of dissent?

(h) Is notice of a motion for referring a Bill to Select Committee without specifying the names of the members of the Select Committee in the notice out of order?

(i) Can a motion relating to a Bill be disallowed by the President on the ground that the matter to which the Bill relates is *sub judice*, either wholly or in part?

(j) (i) Is a motion "to omit a clause" in Bill in order?

   - (ii) Where such a motion has been put and rejected and where the clause has been amended subsequently, should the clause be put to the vote and if so, can it be negatived?

(k) When leave is given to withdraw an amendment to clause of a Bill, can the same or a similar amendment be moved by another member who:

- (i) Has given notice of it, or
- (ii) Wishes to move it without notice because, say, he was absent when leave was given and the amendment is an important one?
- (iii) Would the fact that the motion withdrawn was discussed or not previous to withdrawal, make any difference?

(l) Does a Bill cease to exist if any of the following motions are defeated:

- (i) Motion for leave to introduce,
- (ii) Motion for reference to Select Committee,
- (iii) Motion for consideration,
- (iv) Motion for pass?

(m) What is the effect of the absence of the member-in-charge of a Private Bill on the Bill when it is called?

(n) (i) Is the explanatory note by the Governor to a Bill rejected by the Council and recommended by him under Bombay Council Rule 20-B quite sufficient in place of the Statement of Objects and Reasons?

(ii) The message having been signed by the Governor himself, is it not unnecessary to have the signature of the member-in-charge of the Bill to indicate who will introduce the Bill?

(o) (i) What is the position of a Government Bill which has been published under Bombay Council Rule 18 in the Local Gazette and entered in the Agenda of a particular session for the first reading but is not taken up for discussion at that session?

(ii) Does such a Bill lapse, and if so, is it necessary to republish it in the Gazette, *vide* Rule 20?

(iii) Cannot such a Bill be entered in the agenda of the subsequent session for the first reading, or can it only be entered as "motion for leave to introduce the Bill" in view of Standing Order II (3) (2)?

4. BUDGET

(a) What steps are desirable and feasible to reduce the number of cut motions on the Budget with a view to saving unnecessary labour and stationery? How is this problem dealt with in various Provinces?

(b) Should precedence be given to token motions or to substantial reduction motion? If so, what arrangement is possible under the rules?

(c) Should a member be allowed to move a token motion merely "to discuss" the policy of Government without expressing any opinion? If so, what is the effect of the vote on such a motion?

(d) When members have tabled several motions each for the reduction of Rs. 100 of a single Grant to discuss different topics, can they be discussed together and disposed of by a single vote on the ground that the motion is only one, *viz.*, to reduce the Grant by Rs. 100?

(e) When notices of several token cut motions in respect of the same Grant or item of Grant are received, what is the test by which their order of arrangement in the list of motions is to be determined? Is it to be the order of receipt in the office, or the importance of the subject matter to be discussed, or the position of the member giving notice in the party to which he belongs?

(f) (i) Must a Supplementary Estimate, as contemplated by Rule 32(1) of the Central Provinces Legislative Rules, be posted to members 14 days before the voting of Demand commences as required by Standing Order 69 read with Rule 29 of the Central Provinces Legislative Council?

(ii) If the answer be in the affirmative and if without complying with the 14 days' rule a Government member makes a Demand for Grant in respect of the expenditure contained in such Supplementary Estimate, is it open to the President to disallow such a motion?

(g) How should the casting vote of the Chair be exercised in the case of Budget provision:

(i) If the Demand is for a new item of expenditure?

(ii) If the Demand is for an old item of expenditure?

(iii) If the Demand is for a mixture of old and new items?

(h) Can the abolition of a non-voted post be discussed by seeking a reduction under their establishment?

(i) How should the casting vote of the Chair be exercised:

  (i) on a motion for reduction under Ministers' salaries; and

  (ii) on a vote of censure on Government?

(j) Can the President fix a day already allotted for Budget Demands by the Governor for the discussion of a No-Confidence Motion under Rule 12A?

(k) If fiscal legislation is brought forward by Government (after previous sanction of the Governor or Governor-General), can amendments (i) lowering or (ii) increasing the rates proposed, be discussed without the previous sanction under section 80-C of the Government of India Act?

(l) Can a Demand which has been postponed or withdrawn during the Budget Session at the request of the members that it should be brought forward after a few months, be brought forward as a Supplementary Demand in a subsequent session? If so, under what rules?

5. RESOLUTIONS

(a) Has a part-discussed Resolution of one session to be carried over to the next session, or does it lapse?

(b) Is the period of fifteen days' notice for Resolutions applicable alike to official and non-official Resolutions?

(c) How far can the President decide on the admissibility of a Resolution moved by a Government member?

(d) Do all the Standing Orders apply to Resolutions moved by the official members on a Government day?

(e) Can the mover of a Resolution with the permission of the President move an amendment to his Resolution before he moves the Resolution formally and before the House is seized of it, or is the permission of the House required for such an amendment? Is not the President's sanction to make the amendment before it is moved, sufficient?

(f) Is it open to the President to disallow a Resolution after he has admitted it under the Central Provinces Council Standing Order 58 and if so, in what circumstances?

6. MISCELLANEOUS

(a) (i) How are reports of the Public Accounts Committee dealt with in the various Provinces?

(ii) Can amendments to the Report be considered by the Council? If so, at what stage and in what form?

(b) When the Government gives its consent under Rule 6 of the Madras Council Rules (*see* Rule 6, Indian Legislative Rules), to the transaction of the business of non-official members on a date not allotted by the Governor for the transaction of such business, is it open to the Government to select the items of non-official business that can be transacted on such day and arrange them in any order they please without their relative precedence being determined in accordance with the Standing Orders as to ballot?

(c) Can the President hold a sitting on a day on which the Government have no official business and which has not been allotted by the Governor for non-official business, for the purpose of dealing with:

(i) Questions and answers,

(ii) any Adjournment Motion, or

(iii) a No-Confidence Motion,

which may come up? Are these kinds of business non-official for purposes of Rule 6?

(d) Are copies of Questions, Resolutions and other Motions received from any one member circulated to the other members as notices? If so, at what intervals?

(e) In what cases, should the President address the House before putting a question to the vote?

(f) (i) Can the conduct of the President be attacked during the course of a debate on an extraneous basis?

(ii) Is it regular for the President to preside while his conduct is being discussed?

(g) Is it right and proper that Standing Orders 12 and 57 of the Central Provinces Council should exclude Questions and Resolutions containing defamatory matter when section

72D (7) of the Government of India Act exempts a member from liability to proceedings in any court for his speech or vote in the Council? (*See* also Section 67(7) of the Government of India Act and Legislative Assembly Standing Orders 15 and 59)

(h) Can the Vice-President of the Governor's Executive Council holding and executing the office of Governor under section 91, sub-section (1) of the Government of India Act summon or dissolve the Legislative Council of his Province?

(i) Is it proper for a President of a Legislative Council to be also President or member of a Municipal Board?

(j) Necessity of having section 110 of the Government of India Act relating to exemption from jurisdiction of High Courts, so amended as to include the Presidents within the class of persons enumerated therein

(k) Should communications by an address to the Governor under Bombay Council Standing Order XII-6 be allowed in regard to such matters only in which the Governor can take action in his personal capacity or in all matters as the Head of Government?

(l) If on a division there is a tie discovered next day, should the Chair give a casting vote? If the casting vote is subsequently discovered to be unnecessary, what then?

SIMLA

(16-19 August, 1933)

1. QUESTIONS

(a) In what cases should the President of a Provincial Legislative Council exercise the discretion vested in him by Rule 7 in admitting Question on Central subject like Income-tax, Post Office and Railway? (*Central Provinces*)

(b) Is it open to the President to disallow a Question on the ground that its answer is likely to be of excessive length and that the time and expense involved in its printing will be incommensurate with its utility? (*Central Provinces*)

(c) Is it necessary that every table given as an appendix to an answer to a Question should be printed as part of the proceedings of the Council? What is the practice in the different Indian Legislative Chambers and in the British House of Commons? (*Central Provinces*)

(d) Should Supplementary Questions be allowed on answers to Questions pending for answer from a previous session when such answers are laid on the Table at the next session? (*Bihar and Orissa*)

2. MOTIONS

(a) Should not a motion for the removal of the President or the Deputy President be subject to restrictions like those imposed upon a motion expressing want of confidence in a Minister and require leave of a certain number of members before it can come up for discussion? If so, should not suggestions be made to amend the existing law? (*Central Provinces*)

(b) Should an Adjournment Motion be allowed to be moved on a day fixed for voting on Demands for Grants? (*Central Provinces*)

(c) In what cases should the President refuse his consent to an Adjournment Motion under Rule 11, although otherwise it is in order? (*Central Provinces*)

(d) Is denial of facilities to a political detenu to perform the *Shradha* ceremony of his father a definite matter of urgent public importance within the meaning of Rules 11 and 12? (*Central Provinces*)

(e) When the motion that "the House do now adjourn" is carried, is it necessary that the President must actually adjourn the House without doing any further business? (*Central Provinces*)

(f) Where after question time, the President has fixed, as he is required to do, 4 p.m. on a particular day for the discussion of an Adjournment Motion under Madras Legislative Council Rule 11, and where the business of the meeting has come to an end before 4 p.m., can the debate on an Adjournment Motion be commenced before 4 p.m., or should the motion be taken up only at 4 p.m.? (*Madras*)

(g) If a member gives notice of a Resolution under Bombay Standing Order X 1(a) and if it is a admitted, can the same member move the same Resolution as a motion under Rule 24 (a) of the Bombay Legislative Council Rules in order to skip over the difficulty of a ballot? (*Bombay*)

(h) When a motion under Rule 24 (a) of the Bombay Legislative Council Rules has been admitted, what place should be assigned to this business in the agenda? Bombay Standing Order IV makes no mention as to how this business should be arranged in the agenda. The practice in the Bombay Legislative Council is to arrange this item amongst the non-official business as follows:

(i) Non-official Bills,

(ii) Non-official motions under Rule 24(a),

(iii) Motions under Bombay Standing Order XII 6 to present addresses to His Excellency, the Governor, and

(iv) Discussion of matters of general public interest. (*Bombay*)

(i) What are the powers of a President *vis a vis* the Governor with regard to a motion under Rule 24A of the Bihar and Orissa Legislative Council Rules? (*Bihar and Orissa*)

3. LEGISLATION

(a) If the member-in-charge of a Bill makes to motion for its circulation for eliciting public opinion on it, is it open to another member to move an amendment that it be referred to a Select Committee? (*Central Provinces*)

(b) Who has the power to fix the place of the meeting of a Select Committee? Can the Chairman of the Select Committee do so, or should the place the fixed by a resolution of the Select Committee itself, or has the Governor or the President any control over the place of sitting of the Select Committee? (*Madras*)

(c) What is the exact scope of the rule regarding the confidential character of the proceedings of a Select Committee? (*Madras*)

(d) Can a member in his dissenting minute attached to the report of a Select Committee divulge the remarks made and the opinions expressed by individual members of a Select Committee? (*Madras*)

(e) Can a member of a Select Committee in his dissenting minute animadvert on the conduct of the Chairman at meetings of the Select Committee and question the correctness of his rulings given at such meetings? (*Madras*)

(f) How, if at all, can the correctness of the rulings of a Chairman of a Select Committee or his misconduct in such capacity be brought to the notice of the House? (*Madras*)

(g) Can a member of a Select Committee in his dissenting minute use objectionable or unparliamentary expressions which he cannot use during debate in the House? (*Madras*)

(h) Has any authority the power to censor the minutes of dissenting members of a Select Committee and if so, who is such authority? (*Madras*)

(i) Can the report of the Select Committee on a Government Bill be presented to the House on a day fixed by the Governor for non-official business, having regard to Rule 6 of the Legislative Council Rules? (*Central Provinces*)

(j) (i) When a Bill introduced by a non-official member has been referred to a Select Committee, can Government bring up another Bill, partially covering the same ground, and move that it be taken into consideration and passed, the other Bill remaining on the Order Book?

(ii) For how long should a Private Bill be permitted to block other Bills? (*United Provinces*)

(k) On the day the motion that the Bill be taken into consideration is passed, an amendment is moved which requires the previous sanction of the Governor-General. The mover of the amendment prays for the postponement of the consideration of the Bill to enable him to obtain the requisite sanction. How should the Chair decide the point? (*Central Provinces*)

(l) What is the period of notice required for motions under Standing Orders 40(2) and (b) and 47(2) of the Bihar and Orissa Legislative Council Standing Orders? (*Bihar and Orissa*)

4. BUDGET

(a) After 5 p.m. on the last of the days allotted for the discussion of the Budget, should any speeches in opposition to the outstanding Demands be permitted? If so, to what extent? (*Central Provinces*)

(b) Having moved a cut motion and listened to the debates thereon the mover happens to be absent at the time when he should be present to give a reply, is not the President bound to put the cut motion to the vote of the House? (*Central Provinces*)

(c) In view of the provisions of Rule 25 of the Central Provinces Legislative Council Rules that the Budget shall be presented to the Council on such days the Governor may appoint, is it not *ultra vires* of a Provincial Council to make a Standing Order like that of the Central Provinces requiring copies of the Budget to the posted to members 14 days before its presentation? (*Central Provinces*)

(d) In a debate on a cut motion can members raise points other than those raised by the mover? (*Bihar and Orissa*)

(e) Has the mover of a cut motion to a Demand for a Budget Grant, a right of reply? (*Central Provinces*)

(f) Can a Supplementary Estimate be presented in respect of a new service not contemplated at Budget time for a token sum and not for an estimated amount of expenditure to be incurred? That is, can a token estimate be utilised for committing the Council to an unspecified and unlimited amount of expenditure on a new service? (*United Provinces*)

(g) How far can points involving an amendment of the present law (apart from constitutional questions) be put forward under a Budget Demand? (*United Provinces*)

5. RESOLUTIONS

(a) When should the ballot for Resolutions be held? Should it not be held on a day so fixed as to receive the Resolutions sent in even at the last minute of the prescribed period of limitation? (*Central Provinces*)

(b) Is a Resolution worded as follows in order?

> "That this Council recommends to the Government that it be pleased to note that the Honourable Home Member has forfeited the confidence of this House." (*Central Provinces*)

(c) Should Resolutions which have been admitted with short notice under the proviso to Madras Standing Order 52 undergo the ballot or should their precedence be determined by the President without reference to the result of the ballot? (*Madras*)

6. MISCELLANEOUS

(a) (i) What is the constitutional position of the President of a Legislative Council whilst His Excellency, the Governor is addressing the M.L.C.s in the Council Chamber under section 72A of the Government of India Act?

(ii) Who is to maintain order at the time? (*Central Provinces*)

(b) If a member utters in the course of his speech treasonable, seditious or defamatory words and withdraws them when called to order, should not those words be omitted from the printed proceedings of the House? (*Central Provinces*)

(c) Does the President of a Legislative Chamber in India possess the power to expunge unparliamentary remarks from the official record of proceedings? (*Central Provinces*)

(d) After a resigning Minister has made a personal statement in explanation of his resignation, should the member of Government be called upon to make his counter-statement immediately, or is it open to the President under Madras Legislative Council Rule 10A (3) to allow the member of Government to make such counter-statement at any convenient time in the course of the day? (*Madras*)

(e) (i) Where a Minister has resigned his office and has been reappointed as Minister, can he under Madras Legislative Council Rule 10A make a statement, or does this rule only enable a Minister whose resignation is continuing to make a statement?

(ii) Where more than one Minister has resigned at a time, is it open to each Minister to make a statement and can a separate reply be given by a member of Government to the statement of each Minister? (*Madras*)

(f) Continuance of the President's appointment after dissolution till the election of his successor (*Bombay*)

(g) What is the correct procedure when the non-official section of the House or even a sub-section among non-officials is called upon to elect their representative to a Board or Committee (i) appointed by Government *ad hoc*, (ii) under the Statute? (*United Provinces*)

(h) What are the duties of the Secretary to the Council with reference to the Select Committees on Bills and more especially:

  (i) Whether the minutes of meetings of Select Committees are prepared, and if so, who does that, and

  (ii) Who drafts the report of the Select Committees and who carries out the amendments to Bills made by the Select Committees? (*Madras*)

(i) What ought to be the exact position of the President with reference to the Council Office Establishment:

  (i) As regards the power of appointing the members of the staff, *viz.*,

    - The superintendents
    - The clerks
    - The reporters and
    - The menial staff

  (ii) As regards the power of punishing the officers abovementioned, respectively,

  (iii) As regards the appellate authority in cases of punishment,

  (iv) As regards the powers of the Head of a Department in such matters as the granting of exemption from age or examination qualifications, sanctioning of honoraria,

  (v) As regards the power to order the Secretary, the Assistant Secretary or the members of his staff to undertake journeys, *e.g.*, to attend the Presidents' Conference? (*Madras*)

(j) Are the staff of a Legislative Body in India, *i.e.*, its officers and servants, Government servants or servants of the Legislature with the rights and privileges of Government servants? (*Punjab*)

(k) Discussion of the general question of the attacks of newspapers on the Chair? (*President, Legislative Assembly*)

(l) Discussion of the privileges of the Legislative Bodies in India and their members with a view to submit the opinion of the Conference to the Parliamentary Joint Committee. (*Punjab*)

NEW DELHI

(6-8 January, 1938)

Points brought forward for consideration from the last Conference of Presidents held in August, 1933 :

1. QUESTIONS

Proposal that in regard to the answering of Questions, one uniform procedure be adopted in all the Legislative Bodies in British India

2. LEGISLATION

How, if at all, can the correctness of the rulings of a Chairman of a Select Committee or his misconduct in such capacity be brought to the notice of the House?

New Points for Consideration

3. QUESTIONS

(a) Is it desirable and practicable to limit the number of starred Questions to be put by a member per day to a particular figure, say five? (*Madras Assembly*)

(b) Is it desirable and practicable to allot particular days for the answering of Questions relating to particular Departments? (*Madras Assembly*)

(c) Under Rule 27 of the Madras Rules of Procedure, certain Questions can be admitted only with the previous consent of His Excellency, the Governor. In case, a Question for which His Excellency has given his consent under this rule lapses on account of the prorogation of the Assembly and the member of the Legislative Assembly renews notice of the Question for the next session, is it necessary that the Question must again be sent to His Excellency for his previous consent? (*Madras Assembly*)

(d) Should a member who draws the attention of Government to any newspaper article in Question, be asked to attach a copy of the newspaper or a cutting of the article with the notice? (*Assam Assembly*)

(e) To what extent should Questions based on newspaper reports be permitted? Should it be insisted that the members must accept responsibility for the statements made in Questions? (*Bengal Assembly*)

(f) What principles should guide the Speaker in admitting Questions relating to matters concerning a university located within the territorial limits of the Province? (*C.P. and Berar*)

(g) What principles should guide the Speaker in admitting Questions relating to matters concerning local bodies, *e.g.*, municipalities and district councils, which are for all practical purposes autonomous? (*C.P. and Berar*)

(h) Are Parliamentary Secretaries entitled to speak or answer Questions when the Minister-in-charge is present in the House? What is the practice in different Provinces? (*Orissa Assembly*)

(i) What will be the limitations on Supplementary Questions and to what extent matters not strictly arising out of the reply but arising out of the main Question itself, should be permitted in Supplementary Questions? (*Bengal Assembly*)

4. MOTIONS

(a) Is a Minister who is a non-member of a Chamber entitled, under section 64 of the Government of India Act, to give notice of or to move a motion in the Chamber? (*Madras Assembly*)

(b) If a member objects to the withdrawal of a motion, is it incumbent upon the Speaker to put the motion to vote? (*C.P. and Berar*)

(c) Can a motion for no-confidence against a particular Minister be moved? (*Assam Assembly*)

(d) What would be the general procedure observed in accepting all Adjournment Motions? Should replies to Questions, if found unsatisfactory, be the basis of Adjournment Motions and if so, with what limitations? (*Bengal Assembly*)

(e) Is the Speaker bound to bring before the Assembly an Adjournment Motion placed in his hands about 1 or 2 hours before the House is timed to sit that very day after the Question Hour or can he take time to consider whether he should give his consent or withhold it and bring it up the next day? (*Sind Assembly*)

(f) In the absence of any provision in the rules as to the obtaining of the Speaker's consent to an Adjournment Motion first even before bringing it up to the House, has the member of the Government a right to be heard to show cause why the consent should not be given by the Speaker before the Speaker makes up his mind or has the member proposing a right to move it in the House and a right to be heard, before the Speaker grants or refuses his consent? Is the Speaker to make up his mind or withhold his consent *ex parte*, or after hearing parties—if the latter, *at what stage*? (*Sind Assembly*)

(g) With regard to an Adjournment Motion handed over to the Speaker concerning a matter that has appeared in a newspaper whose correctness cannot be assumed and the happening of which or the facts of which the Government states it is unaware, at what stage should the Speaker ask the Government and if the Government pleads want of knowledge, can the Speaker adjourn the discussion to another day to enable the Government to obtain information and be in a position to reply to it or having fixed 4 p.m.—is the Speaker bound to proceed with it in spite of such declaration from the Government? (*Sind Assembly*)

(h) With reference to the rules providing that it is in the discretion of the Speaker to accept a motion of closure during the course of the discussion of an Adjournment Motion, is the Speaker bound to accept such a motion at the instance of the member moving it or a member of his party, when a small number on either side has spoken, when there are many on the Ministerial side to speak on it and the proposing party do not want to put up more speakers but move for closure? (*Sind Assembly*)

5. LEGISLATION

(a) If objection is taken to a Bill or a clause of a Bill or an amendment to a clause on the ground of *ultra vires*, should the Chair give its decision on the Point of Order, or should the question be left to the House itself? (*Central Assembly*)

(b) When a motion for circulation of a Bill for eliciting opinion thereon is passed by the House, who should select the persons, bodies or associations from whom opinions should be obtained—whether the Legislature or the Executive? (*Assam Assembly*)

(c) Who is to circulate the Bills which have been directed by the Assembly to be circulated? The Assembly Secretary or the Secretary to the Administrative Department? Are Bills circulated to Provincial Congress Committees and District Congress Committees? (*Orissa Assembly*)

(d) How far can the scope of a Bill be extended? (*Bombay Assembly*)

(e) Who is to be the Secretary to a Select Committee, the Assembly Secretary as in Madras or the Legislative Secretary as in Bihar? If former, has the Legislative Secretary any right or duty to be present? (*Orissa Assembly*)

(f) What is the procedure for obtaining the recommendation of the Governor under section 82 of the Government of India Act? Compare Rule 11 of the Governor's Rules (Orissa) (*Orissa Assembly*)

(g) Where His Excellency, the Governor has given his consent to a Bill or has recommended a Bill under section 82 of the Government of India Act, whether such sanction or recommendation lapses at the end of the session in case the notice in respect of the Bill lapses and the Bill is not introduced within the session, or can the sanction or recommendation be utilised for a later session also? (*Madras Assembly*)

(h) Where there are no amendments to a Bill, is there any objection to the Presiding Officer of a Chamber putting all the clauses of the Bill together to stand part of the Bill, or should the clauses be always put one by one, whether there are amendments to the clauses or not? (*Madras Assembly*)

(i) How far an amendment is within the scope of a Bill? (*Bengal Assembly*)

(j) What is the scope of section 82 of the Government of India Act? (*Bengal Assembly*)

(k) After a Bill is introduced, if an amendment is proposed to it which would involve expenditure from the revenues of a Province, would such an amendment require the recommendation of the Governor as provided in section 82 (3) of the Government of India Act, 1935 and if such a recommendation is required, at what stage should such recommendation be produced? (*Bombay Council*)

(l) In connection with the consideration of a Bill, should the rules and regulations provide for what is known as the 'Kangaroo' closure? Should a definite and maximum amount of time be allotted for a group of clauses of a Bill, each such group to be finished within the time-limit? (*Bengal Assembly*)

(m) Can the Speaker lay down a time-limit on discussion of Bills? (*Sind Assembly*)

6. BUDGET

(a) Can the Speaker regulate discussion of cut motions in respect of Demands so as to ensure consideration of important items and if so, how? (*Orissa Assembly*)

(b) Is it open to the Speaker to impose time-limit in respect of speeches not covered by the rules such as Rules 53 and 67, *e.g.*, cut motions on Demands? (*Orissa Assembly*)

(c) Should all cut motions aim at reductions of the entire Demands or all individual items in a Demand? (*Bengal Assembly*)

(d) Whether a cut motion in respect of a particular item in a Demand is admissible? (*Orissa Assembly*)

(e) What should be the procedure in the voting of Grants with reference to the taking up of different cut motions? (*Bengal Assembly*)

(f) Should there be uniformity in the matter of "token cuts" and "economy cuts"? (*Bengal Assembly*)

(g) Does the provision of section 79 (2) of the Government of India Act, 1935 allow a motion for reduction or omission of expenditure allotted for an item composing a Grant? (*Assam Assembly*)

(h) Does sub-section (2) of section 79 of the Government of India Act preclude motions for the omission or reduction of items in a Grant and is it *ultra vires* for a Chamber of a Provincial Legislature to make a Standing Order permitting such motions? (*Madras Assembly*)

(i) In case only motions for reduction of the whole Demand are regarded as permissible under the Government of India Act, on what principle or principles should several motions in respect of the same Demand be arranged? (*Madras Assembly*)

(j) Can Government legally present any Supplementary Demand in respect of any Demand for Grant to which the Assembly has previously refused its assent under section 79 (2) of the Government of India Act, 1935? (*Assam Assembly*)

(k) If a Demand has been substantially reduced, is a Supplementary Demand in respect of it (i) in the same session or (ii) in any subsequent session, admissible? (*Orissa Assembly*)

(l) Can the Speaker lay down a time-limit on discussion at the voting of Demands for each of which maximum time of two days is allotted by the rules? (*Sind Assembly*)

7. RESOLUTIONS

(a) If a member who has moved a Resolution or an amendment wishes to withdraw it and asks for leave of the House to withdraw the same, what should be the procedure in deciding the matter? Is it necessary to put the question to vote as provided by section 66 of the Government of India Act, 1935, and give the decision as decided by the majority of votes as provided by the section, or should the President, on finding that there is a single member against the granting of such leave, inform the member concerned that the leave is not granted, and no division need take place? (*Bombay Council*)

(b) Is it permissible or desirable to allow a Provincial Assembly to discuss motions which do not relate to matters within the actual sphere of Provincial Administration, and if so, under what circumstances? Can a Resolution be framed in the following terms:

> "That this Assembly recommends to the Provincial Government to do certain things with the Government of India or with another Provincial Government or with His Majesty's Government in respect of a matter which is within the cognizance of that Government." (*Madras Assembly*)

8. MISCELLANEOUS

(a) Is it not desirable to have uniform set of rules for all Provinces so that decision of one important point in one Provincial Legislature may serve as a useful precedent for another? If so, who is to draft them? (*Orissa Assembly*)

(b) Uniformity of Rules of Procedure of all the Provincial Legislative Assemblies (*Punjab Assembly*)

(c) Are the Governor's Rules right and proper and do they go beyond powers? If so, to what extent and how the Speaker or President can neutralise them? (*Orissa Assembly*)

(d) Who should have the power of allotment of days for the business of the House? Now that the Legislatures have been given power to make their own rules, why should not this power of allotment of days be transferred to the Presiding Officers after consultations with the party leaders? (*Bengal Council*)

(e) When it is found necessary that a Chamber should sit beyond normal hours, what is the procedure to be adopted? Is the extension of the sitting to be made on a definite motion accepted by the House, and if so, who should make the motion? Should there be a Standing Order to that effect? And would it be proper for the President or the Speaker to restrict his own discretion regarding adjournments by saying that he would submit to a vote of the House? (*Madras Assembly*)

(f) Under sub-section (3) of section 65 of the Government of India Act, "in the absence of the Speaker or the Deputy Speaker or any other person entitled under the Rules of Procedure to preside, the Assembly may determine the person who could act as Speaker". What is the procedure to be adopted by the Assembly for the purpose of determining such a person? Who is to preside during the time when the Assembly is engaged in this process of determination? (*Madras Assembly*)

(g) Who should be the Leader of the House where none of the Ministers happen to be members of a House? (*Bengal Council*)

(h) Whether the rank and precedence assigned to the Presidents and Speakers of the Provincial Legislatures in the Warrant of Precedence issued by the Government of India should not be above that assigned to the Ministers? (*Bombay Assembly*)

(i) It is not essential to have an Usher appointed for announcing the Speaker? If not, who is to announce him—the Secretary, the Assistant Secretary, the Head Assistant, or any member of the clerical staff or the Jamadar? It is desirable to have uniformity of practice in all the Provinces (*Orissa Assembly*)

(j) What should be the privileges of the Legislatures? What should be the nature of the privileges and what enactments are necessary for this purpose? Should not steps be taken for getting the provisions of the Government of India Act in connection with this? (*Bengal Assembly*)

(k) What are the rights and privileges of the members and of the Chair in an Indian Legislature or whether it is not desirable to enact law or laws for protection of such rights and privileges from irresponsible criticism in the Press and platform? (*Orissa Assembly*)

(l) Should Presiding Officers retain their party affiliation even after their election? (*Bengal Council*)

(m) Should the Speaker follow the traditions of the House of Commons by remaining aloof from all party connections? If not, in what particulars a departure should be made? (*C. P. and Berar Assembly*)

(n) What is the correct interpretation of the expression "not sufficiently acquainted with the English language" in section 85 of the Government of India Act? (*Madras Assembly*)

(o) What is the correct interpretation of section 85 of the Government of India Act, 1935? As the proceedings of the Assembly will for the most part be conducted in English, what practicable steps should be taken to enable non-English-knowing members to follow the debates? (*C.P. and Berar Assembly*)

(p) While section 85 of the Government of India Act, 1935 makes a provision for the right of a member who is not acquainted with or not sufficiently acquainted with English to speak in any other language, is it not obligatory that provision should be made by rules that for the benefit of members not acquainted with or not sufficiently acquainted with English, the addresses of other members should be interpreted, if so desired, in the Vernaculars permitted by the rules, as such members have a right to understand what is being said in the House? (*Bombay Council*)

(q) What arrangements exist in the various Provinces or should be made:

(i) for reporting Vernacular Speeches,

   - (ii) for supplying non-English-knowing members with copies of notices, agenda and amendments to Bills or motions in the language known to them,
   - (iii) for translating into English notices of Questions, Resolutions, Bills or amendments received from non-English-knowing members, and
   - (iv) for translating into English, if other members so require, Vernacular Speeches made on the floor of the House and *vice versa*? (*Madras Assembly*)

(r) Interpretation of sections 21, 57, 64, 71 of the Government of India Act (*Bengal Council*)

(s) Can a Minister who is not a member of the Legislative Council initiate the discussion of any matter in the Council? Has not a Minister who is not a member of the Council all the rights of a member of the Council except that of voting? (*Bombay Council*)

(t) Under what circumstances can the Speaker expunge passages from the official report of the proceedings? (*Bengal Assembly*)

(u) What steps should be taken against notorious newspapers who deliberately try to give misleading versions of the proceedings of the House? (*Bengal Council*)

(v) Do the proceedings of any Legislature in India commence with a prayer, and if not, why not? (*Madras Assembly*)

(w) Whether to follow saying of prayers in the beginning of each day's work, as it obtains in England and other Dominions? (*Bengal Council*)

(x) Whether a Parliamentary Secretary should be allowed to act on behalf of a Minister when the Minister himself is present in the House? (*Bombay Assembly*)

(y) Under what circumstances, can a Parliamentary Secretary answer interpellations or reply to motions on behalf of a Minister of Government to whom he is attached? (*Madras Assembly*)

(z) Under the proviso to sub-section (1) of section 84 of the Government of India Act, 1935, the Governor has got power to make rules on certain matters after consultation with the Speaker or the President. As it is desirable that there should be some uniformity in these rules, the Conference may be invited to discuss the following question, *viz.*, what attitude the Speakers and Presidents should take in respect of the Governor's Rules, and in particular, in respect of:

(i) the rule relating to the allotment of days for the transaction of Governor's special business,

(ii) the rule empowering the Governor, in his discretion, to disallow question relating to matters in regard to which he is entitled to use his discretion or exercise his individual judgement, and

(iii) the rule:

  (I) requiring the Speaker or the President to refer to the Governor every Bill for which sanction is necessary,

  (II) requiring the Speaker or the President to refer to the authority entitled to give sanction if any question arises about the necessity for such sanction?

  In connection with the questions relating to sanction, the Conference may also be invited to discuss the question whether the same procedure will apply to a Bill requiring the recommendation of the Governor, say, under section 82 of the Government of India Act (*Madras Assembly*)

(aa) To what extent are Questions and Resolutions admissible which relate to matters which are federal subjects or in respect of which action can only be taken by His Majesty in Council, *e.g.*, extension of one Province to include areas of other Province Railway matters falling under section 297 of the Government of India Act, 1935 (*Orissa Assembly*)

(bb) Has the Legislature the inherent power of suspending its rules and Standing Orders by a Resolution duly passed, and if so, under what circumstances? (*Bengal Assembly*)

(cc) Should not the Department of Legislature be autonomous?

What will be the best method of recruitment of the officers of this Department and should the Ministerial staff be appointed by the Public Service Commission of the Province concerned or by a Special Committee created for the purpose?

To what extent should the Speaker or the President as representative of the House concerned have power in the matter of appointments and what will be the exact limit of Governor's power in the matter? *(Bengal Assembly)*

(dd) (i) The question of entire separation of Council and Assembly Departments from the Legislative Department,

(ii) Who should appoint the principal officers and staff of the Department?

(iii) The present arrangement in some of the Legislatures of approaching the Government through the Home Department—whether desirable *(Bengal Assembly)*

(ee) Whether the offices of the Legislative Assembly and the Legislative Council should not be placed entirely under the direct control of the Speaker and the President, respectively? *(Bombay Assembly)*

(ff) Should there be any change in the nomenclature of the offices, particularly in view of the fact that Secretaries of Government Departments draw much higher salaries than Secretaries of Council and Assembly Departments? *(Bengal Council)*

(gg) Should not the matter of conducting elections of members of the Legislature be transferred from the Home Department to the charge of the Legislative Bodies themselves, and the constitution of election tribunals not be made by the Home Department but by two Judges to be selected from the High Court by the Chief Justice? *(Bengal Council)*

SIMLA

(18-20 July, 1939)

1. PRIVILEGES

(a) What are the lines on which legislation under section 71 of the Government of India Act in regard to the privileges of Legislatures in India, as decided upon at the last sitting of the Conference, should be undertaken?*(Assam Assembly)*

(b) Is the Legislature competent to provide for offences in respect of the privileges to be defined by the act that may be enacted under sub-section (2) of section 71 of the Government of India Act, 1935, except of course as specifically provided for in sub-section (4) of the said section? (*Orissa Assembly*)

(c) Under section 71 of the Government of India Act, 1935, the Council and the Assembly have powers to define the privileges of the Houses but they cannot function as courts to punish any breach of the privileges. The question of making provisions for trial by courts of such breaches by legislation is a matter which should engage the attention of the Legislature of the land (*Assam Council*)

(d) What is covered by the term "privilege"? (*Bengal Assembly*)

(e) Do the salient features noticed in the draft Bill and the Statement of Objects and Reasons of the Privilege Bill as introduced in the Bengal Assembly meet the requirements of section 71 of the Government of India Act, 1935? (*Bengal Assembly*)

(f) Section 71 (2) provides that the privileges of a Chamber shall be those as may be defined by the Act of the Provincial Legislature. Who should take the initiative for the introduction of such a measure and what are the privileges which should be safeguarded? (*Bihar Council*)

(g) In case of a breach of the privileges of the House, should a convention be established that when the Committee of Privileges makes its report and the House adopts that report requesting Government to take certain action, the Government should take steps accordingly? (*Bihar Council*)

(h) What is the remedy against a Press which publishes wrong reports of the proceedings of the Assembly? (*Sind Assembly*)

2. PRESIDING OFFICERS

(a) Is it permissible for a President of a Legislative Council in seeking re-election to the Council, after the termination of his term as a member of the same, or for a Speaker of a Legislative Assembly in seeking re-election in a General Election, to accept any Party label or should he seek election solely on his merit as President or Speaker? (*Assam Assembly*)

(b) Is it permissible for a President or a Speaker to take up privately with Departments of Government, for redress, matters of individual interest of grievances of the Constituency he represents as a member of the Legislature over which he presides, or any matter relating to Administration which he feels justified in doing so? (*Assam Assembly*)

(c) Is the Speaker bound to vote in the case of equality of the votes at the election of a candidate, if so, what should be the guiding factors in exercising that vote? (*Sind Assembly*)

(d) Rule 51 of the Bombay Legislative Council Rules and Rule 52 of the Bombay Legislative Assembly Rules provide that the President/Speaker shall have power to regulate the conduct of business in the Council/Assembly in all matters not provided for in the act or the rules. Does the rule mean that the President/Speaker shall have these general powers inside the House only *during the conduct of a meeting* or does it mean that he shall have these powers outside the House also? (*Bombay Legislature*)

(e) It is said that a member of a Panel of Chairmen may preside over the Assembly when so requested by the Speaker or in his absence by the Deputy Speaker, and when neither the Speaker nor the Deputy Speaker is present to so request a Chairman, the Assembly should decide who among the Panel of Chairmen or in their absence who among others should preside? If it is known beforehand that both the Speaker and the Deputy Speaker would be absent on one or more days, could they request a member of the Panel of Chairmen to preside on all those days, and if so, should such request be made at the sitting of the Assembly itself? (*Orissa Assembly*)

(f) Under sub-section (3) of section 65 of the Government of India Act, in the absence of the Speaker, the Deputy Speaker or any other person entitled under the Rules of Procedure to preside, the Assembly may determine the person who could act as Speaker: (i) What is the procedure to be adopted by the Assembly for the purpose of determining such a person? (ii) Where the Speaker and Deputy Speaker are absent and they have not asked any member of the Panel of Chairmen to preside, can anybody preside over the Assembly, and if so, who? (iii) Where the Speaker is in the Chair and the Deputy Speaker and the Chairmen on the Panel are all absent, would it be proper for him to move that so and so do take the Chair in his absence? (*Madras Legislature*)

(g) It is laid down in section 65 (3) of the Government of India Act, 1935 that "during any absence of the President from any sitting of the Council, the Deputy President, or if he is also absent, such person as may be determined by the Rules of Procedure of the Council, or if no such person is present, such other person as may be determined by the Council, shall act as President". What are the formalities to be observed in the last case, *i.e.*, how the person to act as President will be determined by the Council, say, if 2 or 3 names are suggested, who will take votes, *etc.*? (*Bihar Council*)

(h) To what extent and whether members can discuss in the House a ruling given by a Presiding Officer? (*Bengal Council*)

(i) What should be the dress of the Presiding Officers both in the House and while attending State functions, *vis a vis* the present notification from the Office of the Secretary to the Governor-General on this subject? (*Bengal Council*)

(j) What procedure should be adopted in case contrary rulings are given by the two Presiding Officers of the Upper and Lower Houses on identical points? (*Bengal Council*)

(k) Whether a Deputy President who draws a salary throughout the year as Deputy President is competent to take part in party politics? (*Bengal Council*)

(l) How is the Deputy Speaker, who is a lady, to be addressed? (*C.P. and Berar Assembly*)

(m) Should not the Speaker of a Provincial Legislature be included in the list of persons in entry (1) (a) of Schedule I to the Indian Arms Rules, 1924, *i.e.*, should he not be exempted from the operation of the prohibitions and directions contained in the Arms Act? (*C.P. and Berar Assembly*)

(n) Should not the Speaker and the President of the Provincial Legislatures be included in the list of persons exempt to take out licenses for arms within the meaning of the Indian Arms Act? (*Bengal Assembly*)

3. BILLS

(a) In the absence of any Legislative Assembly rule governing the matters, can the Speaker *on his own motion* disallow a Bill on the ground that it is *ultra vires* of the Provincial Legislature and order that it should not be entered in the List of Business or is it incumbent upon him to decide the matter only if and when a Point of Order is raised in the House? (*C.P. and Berar Assembly*)

(b) To what extent in a Province where there are two Chambers, a Bill introduced in one House and therein passed should be subject to disallowance of any provision on the ground of competency or admissibility? (*Bengal Assembly*)

(c) Should a Bill, introduced in a form which is beyond the competency of the Council, but passed in a form which is within its competency, be thrown out in the Assembly on the ground that at its introduction it was a Bill beyond the competency of the Council? (*Bengal Assembly*)

(d) Does the limit of a session or a year apply to fresh motions for introduction of new Bills of a like nature or substantially identical which have been thrown out by the Assembly? (*Orissa Assembly*)

(e) When a Bill has been introduced by a member and referred to a Select Committee in a session, can any other Bill containing substantially identical provisions or similar provisions be allowed to be introduced by another member in the next session? (*Bihar Assembly*)

(f) Is the Speaker bound to refer the Bill to Governor if the question arises that Bill requires previous sanction of the Governor under the Government of India Act, 1935, even if the Speaker is of the view that the Bill does not require such previous sanction? (*Sind Assembly*)

(g) Is the decision of the Governor or Governor-General, as the case may be, on the questions of his previous recommendations or previous sanctions with regard to Bills or amendments binding upon the presiding authority of a Legislature, *i.e.*, when a Governor or Governor-General, as the case may be, refuses or grants previous sanction or pervious recommendation in regard to a Bill or an amendment on his own decision, can the presiding authority of a Legislature consider the question again and allow or disallow, as the case may be, the introduction and further consideration of the Bill or the amendment by deciding that such Bill or amendment does or does not require previous sanction or previous recommendation? (*Assam Assembly*)

(h) Whether there is any objection to circulate among the members amendments which require the previous sanction or recommendation under the Government of India Act, 1935? (*Bombay Legislature*)

(i) (i) In a Council where there is no Minister who is a member of the Council, a Bill passed by the Assembly is sponsored by a non-official member of the Government's party. How can such a Bill be taken up on an official day? If, however, a date is allotted for such a Bill then can other non-official members be prevented from proceeding with their non-official Bills on the same date?

(ii) What should be done when similar difficulties as pointed out above, arise with regard to resolutions proposed to be moved on behalf of Government in the Council? (*Bihar Council*)

(j) Are motions proposing amendments to Bills to be treated as Substantive Motions with a right of reply to the mover, or as Ancillary Motions without such a right? (*Madras Legislature*)

(k) Is the House of Commons practice of putting amendments to omit words or substitute one set of words for another in a clause by asking the House to decide that the words proposed to be omitted do stand part of the question, followed in any of the Legislatures in India, if not, why not? Where, in a taxation measure, there are numerous amendments to the rate mentioned in the Bill, by the proposed substitution of numerous figures that contained in the Bill, would it not be desirable to follow the English practice and ask the House to decide whether the words in the Bills should stand or not, before the alternative figures are taken up and disposed of one by one? (*Madras Legislature*)

(l) Whether the concurrence on the part of one House in a motion to serve on a Joint Committee of members of both Houses on a Bill commits the members of the concurring House to the principle of the Bill? (*Bihar Council*)

(m) How far, if at all, is it permissible for the Secretary of the Assembly to make consequential changes in a Bill which has been passed by both Chambers of the Legislature and is awaiting the Governor's assent? (*Bengal Assembly*)

(n) What is the scope of discussion on a Finance Bill? (*Bombay Legislature*)

4. SELECT COMMITTEES

(a) When a Bill goes out of its scope by the proposal of the Select Committee to delete certain matters, can such proposal be out of order when the House has got an inherent right to veto any clause of the Bill? (*Bengal Assembly*)

(b) When a Bill is referred to a Select Committee, can that Select Committee appoint, without any authority from the House, a sub-committee (from among its own members) to consider certain points in connection with the Bill referred to it? If the report of such sub-committee is adopted by the Select Committee, can it be published along with the report of the Select Committee as an "appendix" to it? (*Bombay Legislature*)

(c) Who shall be the Chairman in a Select Committee to which a Bill has been referred by the House? Whether the Chairman shall have a casting vote in addition to his first vote? (*Bengal Council*)

(d) Where a Minister is presiding at a Select Committee in which he is not entitled to Vote on Account of the fact that he is not a member of the House, how can any question in the Select Committee be decided when there is an equality of votes on any question? (*Bengal Council*)

(e) Can the Advocate-General take part in the proceedings of a Select Committee on a Bill without being named a member of such Committee? (*Bihar Assembly*)

(f) What procedure should be adopted when a vacancy occurs in a Select Committee due to death, resignation, etc.? Should the place be filled, and if so, how? (*Orissa Assembly*)

(g) If a Select Committee on a Bill does not make its report within the time fixed, does the Committee become *functus officio*? Is it open to the Select Committee to make its report after the date for making the report has expired? What should be done if the Select Committee makes the report after the date fixed for submitting such report has expired? Can an extension of the time fixed for the making of the report be asked for after the expiry of the date already fixed? (*Bombay Legislature*)

(h) Is it necessary that the report of a Select Committee should be signed by all members constituting the Committee and that it should not be presented until it is so signed or until replies are received from all such members, whether they are prepared to sign it or not? (*Bihar Assembly*)

5. ADJOURNMENT MOTIONS

(a) Can the speech of a Minister in his private capacity in a public meeting form the subject matter of an Adjournment Motion? (*Bengal Assembly*)

(b) When is an Adjournment Motion to be regarded as a vote of censure on Government and when as evidence of the serious view taken by the Council regarding the matter? Does it depend on the terms of the motion or on the view taken of it by Government? (*Bihar Council*)

(c) After the Honourable, the Speaker or the Honourable, the President has refused to give his consent to an Adjournment Motion, if a member desiring to move such motion subsequently informs the Speaker or President that the original motion was not properly worded by him through oversight or that there was some typing mistake, can the member be allowed again to bring in the same motion with slight alterations? (*Bombay Legislature*)

(d) Where the Speaker has refused to give his provisional consent to the moving of an Adjournment Motion, is it open to the member who gave notice of the motion (or any other member) to make a reference to it in the House or to ask the Speaker to give for the information of the House the reasons for not giving the provisional consent? (*C.P. and Berar Assembly*)

(e) After an Adjournment Motion has been allowed to be moved on a day, should the rule that not more than one Adjournment Motion should be moved on the same day, prevent further consideration of the other Adjournment Motions given notice of on the same day, both for the purpose of deciding whether they are in order and of asking the leave of the House for being moved? (*Assam Assembly*)

(f) If notices of several Adjournment Motions are given by different members for any particular day and all the motions are admissible, how should they be dealt with? Will it be in order to permit one motion per day? (*Bombay Legislature*)

(g) Can the Minister-in-charge make a statement at the time of a member asking leave to make a motion of adjournment of the business of the Assembly; if so, can the member making motion withdraw the motion without the leave of the Assembly? (*Sind Assembly*)

(h) On a motion for adjournment of the business of the House to discuss a definite matter of urgent public importance, are the mover of the motion and the Government entitled to a right of reply? (*Bihar Council*)

(i) Should the mover of an Adjournment Motion have a right of reply? (*Bihar Assembly*)

(j) It is held that in an Adjournment Motion the matter must not be *sub judice*. What is the scope of the application of this principle? (*Bihar Council*)

(k) Should the Speaker disallow a motion for the adjournment of the business of the Assembly on the ground the matter is *sub judice* even though the matter when first taken up was not *sub judice* and Government got time to make detailed enquiries and after challaning the case, came with the plea of *sub judice*? (*Sind Assembly*)

6. BUDGET

(a) Where three days have been allotted by the Governor for the General Discussion of the Budget, if there are not sufficient number of speakers on the first day, is it open to the Speaker to call upon the Finance Minister to reply at once? Supposing the reply is not finished on that day and is adjourned to the next day, can the other members claim a right to continue the discussion on the ground that that day is available for the General Discussion of the Budget? (*Madras Legislature*)

(b) What are the respective spheres of the Chambers of a Provincial Legislature and the Governor in the making of Rules of Financial Procedure in the Provincial Legislature? On what lines should the rules to be made by the Chambers, be drawn up? (*Madras Legislature*)

7. RESOLUTIONS

Can a non-ballotted Resolution be allowed to take precedence over ballotted Resolutions? If so, under what circumstances? (*Bihar Assembly*)

8. QUESTIONS

(a) How far Questions regarding High Court establishments can be permitted in the Assembly? Should such Questions be disallowed as relating to matters not primarily concerning, or within the special cognizance of Government? (*Bihar Assembly*)

(b) Is a Question relating to the management, staff, etc., of a High Court of a Province admissible; or, in any event, is it admissible if the High Court exercises jurisdiction over two Provinces and is actually situated in a Province other than that in whose Assembly the Question is asked as in the case of Orissa? (*Orissa Assembly*)

(c) To what extent Question relating to Federal subjects may be asked in the Provincial Legislatures? (*Bengal Council*)

(d) Would it be proper for the Speaker to ask Government to furnish for a subsequent session answers of Questions, notices of which have lapsed on the prorogation of a session [Assam Rule 18 (1)] instead of insisting upon the members to give fresh notices of the same Questions? (*Assam Assembly*)

(e) Under Rule 3 of the Bihar Legislative Council Rules, all pending notices shall lapse on the termination of a session by prorogation. But so far as Questions are concerned, answers to pending Questions are placed on the Table at the commencement of the following session and no supplementaries are allowed. Taking Rule 3 as it stands, is a member entitled to put supplementaries on such Questions? (*Bihar Council*)

(f) When should a Question be considered to be defamatory? If a member makes himself responsible for the accuracy of the statement contained in his Question, does the responsibility of the Chair cease so far as the defamatory aspect of the Question is concerned? (*Bihar Council*)

(g) Should a Question containing a charge involving moral turpitude be disallowed even if the member concerned makes himself responsible for the accuracy of the statement contained in the Question? (*Bihar Council*)

(h) Can a member, who has already put supplementaries to an unstarred Question arising out of the printed answer to that Question, put fresh supplementaries arising out of answers given to the supplementaries put by another member on the floor of the House? (*Bihar Council*)

(i) Is printed notice of all admitted Questions sent to all members of the Assembly, and if so, at what intervals? Is notice of starred Questions coming up on any particular day also sent to member? What is the necessity for the former? (*Madras Legislature*)

(j) What are the powers which the Speaker can enforce in the answering of Questions promptly or fully by members of the Government under the new Act? (*Orissa Assembly*)

(k) What steps should be taken if Questions are not replied to within the specified time by the Administrative Departments? (*Bengal Council*)

(l) Can a starred Question be put by another member when the member who originally sent notice of the Question is absent? (*Bihar Council*)

(m) Can a Parliamentary Secretary answer Questions in the Assembly even when the Minister-in-charge to whom the Questions relate is present in the Assembly? (*Sind Assembly*)

9. DIVISIONS

(a) Can a motion be withdrawn after a poll has been demanded and the division bells have been rung? (*Madras Legislature*)

(b) Can a demand for division be withdrawn after division bells have been rung? (*Madras Legislature*)

10. MEMBERS

(a) If a member is suspended from the service of the House, does he thereby lose the right of serving on a Select Committee of the House to which he may have been previously appointed? (*Bihar Assembly*)

(b) Does the Speaker possess the power to suspend a member from the service of the House if he is found guilty of the breach of the privileges of the House? If a rule to this effect is framed, will it be *ultra vires* of section 71 (3) of the Government of India Act, 1935? (*Bihar Assembly*)

(c) Should the presiding authority of a Legislature decide the question, when it is raised, that a particular member has been disqualified for being a member thereof on any of the grounds mentioned in section 26 or section 69 of the Government of India Act, or should he leave the matter open till a decision is obtained from such a competent authority whose decision will be binding on all under all circumstances? (*Assam Assembly*)

(d) Should a member, directed by the Speaker to withdraw from the Assembly, refuse to do so, what is the best course for the Speaker to enforce his direction? (*Sind Assembly*)

11. ADDRESS TO GOVERNOR

(a) Rule 120 of the Bihar Legislative Council Rules provides that communication from the Council to the Governor shall be made by a formal address after a motion to that effect is moved and carried in Council. What are the matters relating to which such an address should be presented? (*Bihar Council*)

(b) What classes of subject matter should be dealt with in a motion for an address to be presented to the Governor through the Presiding Officer? (*Bengal Council*)

12. PARLIAMENTARY SECRETARIES

(a) What are the duties of the Parliamentary Secretaries? (*Bombay Legislature*)

(b) Can a Parliamentary Secretary speak on a motion in his personal capacity and make statements contrary to those of the Minister-in-charge (*Sind Assembly*)

13. JOINT SITTINGS

(a) Is it desirable that the Speaker should attend a Joint Session of both the Chambers? If he is present, should he vote and should he express the viewpoint of his Chamber on a legislative measure? (*Bengal Assembly*)

(b) What should constitute the quorum of a joint sitting? Should a number be fixed irrespective of the members present from each Chamber or should it be mentioned that X members from Council and Y members from Assembly will constitute a quorum? (*Bihar Council*)

14. NO-CONFIDENCE MOTION

(a) Is a No-Confidence Motion against the Chief Minister discussed and defeated, bar to a subsequent No-Confidence Motion against the whole Ministry in the same session or adjourned session? (*Sind Assembly*)

(b) Can the time-limit on speeches be put on the No-Confidence Motion? (*Sind Assembly*)

15. MEETINGS OF LEGISLATURE

Under the Orissa Legislative Assembly Rules, every meeting of the Assembly shall ordinarily terminate at 4 p.m., but under the Governor's Rules on a day allotted for voting of Demands for Grants under Rule 18 (1) no other business shall be taken up before 5 p.m. and, on the last day of the days so allotted, the Speaker shall apply the guillotine at 5 p.m. Does it follow that on all the days allotted for the voting of Demands for Grants, every meeting of the Assembly shall go on till 5 p.m., although the ordinary time for termination is 4 p.m.? (*Orissa Assembly*)

16. ASSEMBLY SECRETARIAT

(a) Where the Assembly Department is not entirely separate from the Legislative Department of the Provincial Government, who should so far as the Assembly Department is concerned be the actual authority controlling finances and other departmental matters? (*C.P. and Berar Assembly*)

(b) Where the Assembly and Legislative Departments are not separate, should convention be established whereby Government and the Speaker will receive legal advice from two separate officers (*i.e.*, Advocate-General and Secretary, respectively) so far as the work proposed to be brought before the Legislature is concerned? (*C.P. and Berar Assembly*)

(c) Should the Assembly Department have the same status and scales of pay for its assistants as are in force in the Secretariat of the Province? (*Orissa Assembly*)

17. MISCELLANEOUS

(a) *Salaries of Ministers*: What are the implications of sections 10 (3) and 51 (3) of the Government of India Act, when considered with their Provisos, *i.e.*, under what circumstances and conditions can an Act fixing the salaries of Ministers be amended in order to vary the salaries fixed? Do the provisos indicate that an Act fixing the salaries of Ministers should be made to remain operative only for the time the Ministers, during whose tenure of office the Act is passed, hold their office? If not, is it permissible under these provisions to vary the salaries of Ministers with every change of Ministry when the salaries stand already fixed by an Act of the Legislature and are accepted by the Ministers at the time of accepting office? (*Assam Assembly*)

(b) *Adjournment of House*: In what circumstances would it be justifiable to adjourn the House on account of the death of a sitting member, an old member, a non-member or to allow condolence motions regarding their deaths? (*Madras Legislature*)

(c) *Prorogation*: In fixing the date of the prorogation of a Legislature, whether the Governor should not previously consult the Presiding Officer in fixing such a date? (*Bengal Council*)

(d) *Petitions*: Is it not desirable (i) to liberalise the rules relating to the presentation of petitions to the Legislature and bring them in line with those of the House of Commons by enabling the public as well as members to present petitions to the House in respect of grievances, and (ii) to provide for the appointment of a Standing Committee on Public Petitions? (*Madras Legislature*)

(e) *Parliamentary Parties*: Is the Legislature concerned only with the recognition of parties in the Chamber or it can also recognise groups within or composing each party, *i.e.*, how far is the recognition of such groups within a party in conformity with the parliamentary practice? (*Bihar Assembly*)

(f) *Allotment of Seats*: In the allotment of seats to the Opposition parties, should the criterion in assigning the first Opposition block be only the numerical strength of the parties or whether the experience and importance of the members forming the groups should also be taken into consideration? (*C.P. and Berar Assembly*)

(g) *Leader of the House*: In the Council where Ministers are not members of the Council, who should be considered as the Leader of the House? Should not the Leader of the House be both a member of the Government and a member of the Council? (*Bihar Council*)

(h) *Ceremonial*: The question about Mace and Black Rod and other insignia of the kind being used (*Bengal Council*)

(i) *Warrant of Precedence*: What further steps should the Conference take on the decision of the Governor-General in regard to the question of revising the Warrant of Precedence assigned to the Presidents and Speakers, and of assigning a separate rank to the Deputy Presidents and Deputy Speakers, which was discussed during the last sitting of the Conference and was brought to the notice to the Governor-General through the Chairman of the Conference? (*Assam Assembly*)

(j) *Period of Notice*: Is it desirable to curtail or extend the periods of notice usually allowed for Motions, Resolutions, etc.? (*Orissa Assembly*)

(k) *'Member of Government'*: Can one Minister attend to the work in connection with a Bill, Resolution or a Question standing in the name of another Minister with or without the permission of the Chair? In any event, can he do so if the Minister is actually present in the House and able to act? (*Orissa Assembly*)

(l) *Discriminatory Legislation*: What are the implications of section 298 of the Government of India Act? What kinds of discriminatory legislation does this section prohibit? If any legislation seeks to provide that provincials of one Province will not be eligible for appointments under the Government of another Province or will not be entitled to contracts under the Government or local bodies of another Province, unless and until they reside in that Province continuously for some years and acquired landed property in that Province and build a house there for residence, will that legislation be *ultra vires* of the Act in view of its provisions as embodied in section 298? (*Assam Assembly*)

(m) *Journal of Indian Legislatures*: The desirability of exchange of all legislative papers among all Legislative Bodies and the need of publishing a periodical Journal of Indian Legislatures (*Bengal Assembly*)

(n) *Revival of Notice*: Can an unanswered Question or a Resolution at a session be revived by mere notice at other session following it without lists of Questions? (*Orissa Assembly*)

NEW DELHI

(7-9 January, 1947)

1. BUSINESS OF THE HOUSE

(a) Can any business other than the one for which a special session of the Assembly is summoned, be conducted in such a session, *e.g.*, can any Questions be put or Adjournment Motions allowed? (*Punjab Assembly*)

(b) Can any business other than the swearing-in of members be conducted at the first meeting of the Assembly held after General Elections, *e.g.*, can Questions be put or Adjournment Motions allowed for discussion? (*Punjab Assembly*)

2. LEGISLATION

(a) Under section 88 of the Government of India, Act, 1935, temporary Ordinances can be promulgated on the advice of a Ministry when a Legislature is not in session. In the Province of Bengal, a practice has recently been growing up under which Bills which could not be passed during a session for want of time are promulgated as Ordinances almost simultaneously with the prorogation of the Legislature. From a constitutional point of view, the practice is undesirable as it is virtually an encroachment on the rights of the House. Should not the President or the Speaker of a House who is the custodian of its rights, protest against this abuse of Ordinance-making power? (*Bengal Council*)

(b) Can Government fix a time-limit within which a particular Bill must be finished, or no other limitation except a Closure Motion can be placed upon a free and unlimited debate on a Bill? (*Bihar Assembly*)

(c) Is an amendment to omit a clause in a Bill permissible? (*Bengal Council*)

(d) Does section 82(1)(a) of the Government of India Act, 1935 prohibit the introduction of a Bill in a Legislative Council even if it does not *increase* an existing tax but merely *decreases* it? In other words, is the expression "A Bill or amendment making provision for imposing or increasing any tax" to be interpreted to mean also a Bill or amendment decreasing any tax? (*Bihar Council*)

(e) If objection is taken to a Bill or a clause of a Bill or an amendment to a clause on the ground of *ultra vires*, should the Chair give its decision on the Point of Order, or should the question be left to the House itself? (*Punjab Assembly*)

(f) Can the Speaker refuse to put the question to the House on the ground that it will be *ultra vires* of the House to pass it? (*Bombay Assembly*)

(g) What is the scope of section 74(2) of the Government of India Act, 1935? Is it restricted to Bills which originate in the Assembly? If not, is it open to the Governor to summon a joint sitting in all the following cases, namely, when:

  (i) a Bill passed by the Legislative Assembly is rejected by the Council?

  (ii) a Bill passed by the Legislative Assembly is passed by the Legislative Council subject to amendments to which the Assembly does not agree,

  (iii) a Bill passed by the Legislative Assembly is delayed in the Legislative Council for more than 12 months, and also

  (iv) a Bill passed by the Legislative Council is passed by the Legislative Assembly subject to amendments to which the Council does not agree, but not when:

    (I) a Bill passed by the Council is rejected by the Assembly, or

    (II) a Bill passed by the Council is delayed in the Assembly for more than 12 months? (*Bihar Assembly*)

(h) If the Assembly has, on a motion duly passed by it, ordered a particular Bill to be circulated for eliciting public opinion thereon by a particular date, and the Administrative Department of Government concerned working as an agent of the Assembly in this behalf has not so circulated the Bill and obtained such opinion, what action can be taken by the Assembly and how can the Bill be further proceeded within the peculiar circumstances of the case? (*Bihar Assembly*)

(i) Under the Bengal Legislative Council Procedure Rules and in the rules of many of the Provincial Legislatures, a number of unnecessary restrictions have been imposed on the powers of the Legislature which are not contemplated in the Government of India Act, 1935, but have been continued from the old Rules. For example, the word "Select Committee" has been defined in Rule 1 (7) of the Bengal Legislative Council Procedure Rules in such a manner that a Select Committee can only be appointed upon a Bill. In the British House of Commons, a Select Committee may be appointed on any subject. Should not the President or the Speaker as the custodian of the rights of the House, draw the attention of the House to such anachronism which curtail the rights of the House so that they may be removed? (*Bengal Council*)

(j) When there is an inconsistency in the report of a Select Committee and the Bill as amended by the Select Committee, how should the inconsistency be reconciled? Should the report prevail or should the Bill as amended by the Select Committee prevail? For instance, the Select Committee's report on the Tenancy Act Amendment Bill (No. VII of 1946), as printed and presented to the House, contained one or two mistakes. The report stated that sub-clauses (a) and (b) of clause 8 were to be deleted, whereas the intention and recommendation of the Select Committee was to delete sub-clauses (a) and (b) (1) only. The Bill was correctly amended and published, but there was mistake in the report as the language used did not express the proper meaning. The question raised was whether the report was before the House or the Bill as amended by the Select Committee was before the House? Can Government move an amendment of the clause in the same words as appeared in the Bill as it emerged out of the Select Committee? (*Bombay Assembly*)

(k) Is the Preamble a part of the legislation? (*Madras Legislature*)

(l) What is the exact scope of discussion on a motion for the second-reading of a Bill:

   (i) Can discussion on merits of a Bill be allowed at this stage (without its being referred to a Select Committee)?

   (ii) What is the scope of discussion on a Bill after a Select Committee's report has been presented to the House and the member-in-charge makes a motion that the Bill as reported by the Select Committee be read a second time?

   (iii) Has the discussion at the third reading to be confined only to the amendments or modifications made in the Bill at the clause by clause reading or can the whole Bill be discussed in general at this stage? (*Bombay Assembly*)

(m) What procedure should be followed in order to rectify mistakes occurring during the passage of a Bill from one House to another? (*Bengal Council*)

(n) Whether the validity of the Acts passed by the Legislature, before the proclamation issued under section 93 of the Government of India Act, 1935, can be legally impugned on the ground that they had received the assent of the Governor after the proclamation was issued? (*C.P. and Berar Assembly*)

3. ADJOURNMENT MOTIONS

(a) What is the significance of the words, "Consent of the Speaker" in the rule adopted by all the Indian Legislatures, both Central and Provincial, *viz.*, that a motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of public importance, may be made with the consent of the Speaker? (*Punjab Assembly*)

(b) Rule 72 of the Bihar Legislative Assembly Rules requires that a motion for the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker. Should the Speaker give his consent in his Chamber or in the Assembly Chamber? If the Speaker, before giving his consent, asks the member-in-charge of the motion to clarify certain points in the House, is he (the Speaker) bound to read out the notice of the motion to the House, or whether the matter at this stage is only between the Chair and the member concerned? Is it desirable to have this stage of preliminary consent always gone through in the Speaker's Chamber and not in the House? (*Bihar Assembly*)

(c) When a statement is made on behalf of Government, the House of Commons procedure is: no debate can be allowed unless there is a proper motion relating to the statement. The point is, can a motion for adjournment be permitted for the purpose of raising a debate on such a statement? (*Bombay Assembly*)

(d) In view of the large number of Adjournment Motions many of which are brought merely to focus the attention of Government to outstanding grievances, should not the Government be urged to introduce the system of having short debates on Adjournment Motions at the end of the day's sitting as in England? (*Bengal Council*)

(e) An event was published in newspapers, say, on the first day of a month on which the Assembly was in meeting, but no member gave notice of an Adjournment Motion to discuss the matter of urgent public importance connected with the event. A member, however, brings it up on a subsequent day, say, two or three days afterwards and argues that the publication referred to was not a matter within his knowledge until the day he has given notice of the motion. A question arises as to whether the point of time of the member's knowledge of the event should be regarded as a material factor in determining the question of urgency involved in the Adjournment Motion (*Bihar Assembly*)

4. RESOLUTIONS

(a) Have Resolutions passed by a Legislature no mandatory value but are mere recommendations even in those Provinces where Cabinets have been established as wholly responsible to the Legislature? (*Bihar Assembly*)

(b) How far Resolutions are admissible on matters which are the concern of a Governor or Governor-General not as the Constitutional Head of the Government but as a representative of His Majesty? (*Madras Legislature*)

5. PRESIDING OFFICERS

(a) Should the Speaker take part in public political activities? (*Bombay Assembly*)

(b) Should not a President or a Speaker resign from his party and dissociate himself completely from party politics upon his election? (*Bengal Council*)

(c) Should not the principal political parties be urged to create a convention that a President or a Speaker should not be opposed at a Triennial or General Election if he offers himself for re-election? (*Bengal Council*)

6. MEMBERS

Why a member who has not been disqualified under section 69 of the Government of India Act, 1935 should be prevented from attending the House by being detained in Jail? (*N.W.F.P. Assembly*)

7. QUORUM

Is the Speaker to be included for the purposes of quorum? (*Bombay Assembly*)

8. NO-CONFIDENCE MOTION

(a) Can a 'No-Confidence' Motion, howsoever worded, be admitted? Or is it open to the Speaker to amend it or disallow it on the ground that it is not properly worded and is intemperate and offensive in language? (*Bombay Assembly*)

(b) Can the conduct of a Minister or member be discussed except on a Substantive Motion? (*Punjab Assembly*)

9. LANGUAGE

If a member is proficient in English and has previously delivered speeches in English in the House, should he have the discretion of speaking in his own language if he chooses to do so? To what extent can it be allowed consistently with the scope of section 85 of the Government of India Act, 1935? (*Bihar Assembly*)

10. FINANCIAL PROCEDURE

(a) Whether the Legislative Council has any connection with the Public Accounts Committee of the Assembly and whether it is proper for the Finance Minister to move in the Council that the report of the Committee be taken into consideration? (*Madras Legislature*)

(b) Should there be a meeting of the Legislature for laying the Authenticated Schedule of the Authorized Expenditure before the Assembly and whether it is necessary for its formal presentation by the Finance Minister? (*Madras Legislature*)

(c) Whether expenditure on new schemes can be brought in as Supplementary Demands? (*Assam Assembly*)

11. PRIVILEGES

(a) What are the lines on which legislation under section 71 of the Government of India Act, 1935 in regard to the privileges of Legislatures in India as discussed in the last Conference held in July 1939, should be undertaken—should there be a uniform legislation in all the Provinces? (*Assam Assembly*)

(b) Should not the members of the Provincial Legislatures and the officers of the House be included in the list of persons exempted to take out licence for arms? (*Bengal Council*)

(c) Often summons are received in the Assembly Department from courts of law for being served on members of the Assembly. Is it desirable for the Legislature Department to send such summons to the members concerned? (*Bihar Assembly*)

12. MISCELLANEOUS

(a) Whether, and if so, how far, a matter likely to be *sub judice*, but not actually *sub judice*, can be allowed to be discussed on an Adjournment Motion or otherwise? Should the guiding principle always be that only if the court is seized of it, it is precluded from being so discussed, but not otherwise? (*Bihar Assembly*)

(b) Sub-section (3) of section 133 of the Motor Vehicles Act, 1939 (Act IV of 1939) requires that all rules framed thereunder by the Central Government or by any Provincial Government shall be laid for not less than fourteen days before the Central or Provincial Legislature, as the case may be, as soon as possible after they are made, and shall be subject to such modifications as a Legislature may make during the session in which they are so laid. What procedure should be followed for consideration of such rules by both the Chambers in the event of either Chamber or both the Chambers seeking to modify the aforesaid rules and how is the matter thereafter to be pushed up to arrive at a unanimity between the two Chambers? (*Bihar Council*)

(c) The last three lines of the proviso to sub-section (1) of section 84 of the Government of India Act, 1935, say:

"and, if and insofar as any rule so made by the Governor is inconsistent with any rule made by a Chamber, the rule made by the Governor shall prevail."

Who is, under the circumstances, to decide upon the question of inconsistency referred to in the aforesaid proviso? (*Bihar Assembly*)

(d) Can a Speaker permit discussion of the tribal policy in the North West Frontier Legislative Assembly without the previous consent of the Governor as required by the North West Frontier Province Governor's Rules? (*N.W.F.P. Assembly*)

(e) When the Governor sends a message under section 63(2) of the Government of India Act, 1935 calling upon the members of the Assembly to meet at a particular place and elect their representatives as desired in a particular statement of the Viceroy and the Cabinet Mission (as in the statement issued by the Cabinet Mission and the Viceroy on the 16th May, 1946), is it necessary that before such election is resorted to, the question should be brought forward in the Assembly by means of a motion and a decision of the Assembly obtained; or the Assembly may proceed straight away to the election as desired in the statement on the message of the Governor having been communicated to the Assembly by the Speaker? (*Bihar Assembly*)

NEW DELHI

(10 April, 1949)

(Emergent Conference)

1. Independence of the administrative set-up of the Legislature Secretariat and its position *vis a vis* the Secretariats of the Executive Government.

NEW DELHI

(1-3 September, 1949)

1. PRIVATE MEMBERS' BUSINESS

Whether more time for Private Members' Business should not be allotted? (*East Punjab Assembly*)

2. LEGISLATION

Whether the provisions contained in amending Bill should be strictly relevant to and within the scope of the Parent Act which the Bill seeks to amend? (*Madras Legislature*)

3. PRESIDING OFFICERS

(a) Should not the Speakers and Presidents be non-party men both inside and outside the respective Legislatures? If so, should not a convention be established by an agreement among the principal political parties that should he seek election in the following General Election to the Legislature, he should not be contested? (*Assam Assembly*)

(b) Whether or not Speakers and Presidents of the Central and Provincial Legislatures be exempted from personal appearance in the Law Courts (both civil and criminal) as witnesses or parties? (*Assam Assembly*)

4. DISQUALIFICATION OF MEMBERS

(a) Where a Point of Order is raised that a particular member has incurred one of the disqualifications mentioned in section 69(1) of the Government of India Act, 1935, is the Speaker bound in all cases to decide the Point of Order and also to ask the member to withdraw from the House if the Speaker holds that the disqualification has been incurred? (*C.P. and Berar Assembly*)

(b) Whether the Speaker or the President is competent to remove a member of a Legislature who, although disqualified for election under any one of the disqualifications mentioned in section 69(1) of the Government of India Act, 1935, as adapted, was elected unchallenged and sits as a member and when the fact was brought to the notice of the Presiding Officer, the time within which election petition calling in question the election of the aforesaid member should be filed, expired? (*Assam Assembly*)

5. MAINTENANCE OF ORDER

Rule 46 of the Bombay Legislative Assembly Rules says that the Speaker shall preserve order and have all powers necessary for the purpose of enforcing his decisions. Rule 48 of these rules further says that the Speaker may direct any member who refuses to obey his decision or whose conduct is, in his opinion, grossly disorderly to withdraw immediately from the Assembly. Assuming an occasion arises when the Speaker directs a member to withdraw from the House and the member refuses to obey the Speaker's direction and does not withdraw from the House, what is the Speaker to do? Is it not necessary to have in the Provincial Legislatures an officer similar to the Sergeant-at-Arms in the House of Commons or the Marshal in the Central Legislature who would under such circumstances cause the removal of the member directed by the Speaker to withdraw? (*Bombay Legislature*)

6. PRIVILEGES

(a) In the Speakers' and Presidents' Conference of 1947, it was decided to draft a Bill defining the privileges of members of the Legislature but the drafting of that Bill was postponed until after the Constitution was settled. Now the Constituent Assembly has made a provision in the Draft Constitution of India that the privileges of members should be the same as those of the members of the House of Commons until the Legislature passes necessary legislation to that effect. In view of this provision, the drafting of the privileges Bill may now be taken up immediately (*Bombay Legislature*)

(b) What is the correct procedure in regard to the investigation of personal charges against Ministers? Is not the House the competent authority to sanction the appointment of a Tribunal of Enquiry on a resolution moved by the Premier? (*Madras Assembly*)

(c) How far is it open to a member of the Legislature to criticise outside the House—either in the Press or on the platform—the action or conduct in the House of any other member in the

House and also of the Chair and what powers has the Chair or the other members of the House to deal with such criticism? (*Bombay Legislature*)

7. LANGUAGE

Whether the practice in regard to language should not be uniform in all the Provinces, *i.e.*, whether in addition to English, the Provinces may adopt their own regional languages and whether the Federal language also should be adopted by the Assemblies? (*East Punjab Assembly*)

8. PROCEDURAL TERMINOLOGY

Uniformity of terminology in various Legislatures of the Indian Union (*C.P. and Berar Assembly*)

9. RULES OF PROCEDURE

Whether there should not be one set of Model Rules for all the Chambers of the Provincial Legislatures of Dominion of India for regulating their Procedure and Conduct of their Business? (*Assam Assembly*)

10. RULINGS FROM THE CHAIR

Compiling systematically, in one or more volumes, the Rulings from the Chair in various Legislatures in India since 1921 (*U.P. Council*)

11. DECISIONS OF THE CONFERENCE

Consolidating the decisions taken at the Conferences of Presidents and Speakers in India in the past. (*U.P. Council*)

NEW DELHI

(21-23 August, 1950)

1. ADDRESS OF GOVERNOR

(a) (i) Whether in a debate on the Address of the Governor, time should be allotted for general discussion on matters contained in the Address before permitting members to move amendments and if so, what should be the scope of such discussion and what method should be followed for restricting the number of members taking part in such general discussion?

(ii) Where notices of a number of amendments are received to a motion in reply to the Address by the Governor, should each amendment be discussed separately or whether all amendments should be allowed to be moved one after another and the motion as well as all amendments discussed together, but voted upon separately? (*Madhya Pradesh Assembly*)

(b) Whether the meeting of the members of the Assembly to listen to the Governor's Address constitutes a meeting of the Legislature? (*Punjab Assembly*)

2. QUESTIONS

(a) (i) Whether it would not be desirable to limit the number of Questions that may be given notice of by a member during a session and adopt a common policy in the matter following the West Bengal example, and

(ii) Whether balloting of Questions would be expedient? (*Travancore Cochin Assembly*)

3. PRIVILEGES

(a) Whether the provision contained in article 194 of the Constitution confers on the Legislature the status of a court of record, and whether the Legislature can commit a person guilty of its contempt? What can the House do when its privileges, or any one of them, are or is breached by a member or a stranger? What is the sanction behind the privileges? In other words, whether the Legislature possesses any penal jurisdiction? (*Punjab Assembly*)

(b) Codification of privileges and consideration of the report of the Privileges Committee

4. ADJOURNMENT MOTIONS

The main principles of the rulings delivered by the Hon'ble, the Speaker of Parliament in connection with Adjournment Motions may be followed in all the State Legislatures (*Parliament Secretariat*)

5. LEGISLATION

(a) When a Bill originating in the Assembly comes to the Council for consideration, can a member of the Council ask for access to the memoranda presented to the Select Committee on that Bill or the evidence taken by them? (*Madras Legislature*)

(b) Whether language for use in Bill introduced in or Acts passed by the Legislature of a State can be prescribed under article 348 of the Constitution and if so, whether such prescription should be by law or by a mere resolution agreed to by both the Houses? (*Uttar Pradesh Council*)

6. FINANCIAL AND MONEY BILLS

(a) (i) What is the scope of discussion on the Appropriation Bill?

(ii) Can the point raised and ground covered during:

(I) the General Discussion of the Budget, and

(II) the discussion of various cuts, be raised again?

(iii) Could not those Demands which fall under guillotine and cuts in respect of which were not moved or discussed be raised in the debate on the Appropriation Bill? (*Madhya Pradesh Assembly*)

(b) Whether Money Bills are required to be passed by the Legislative Councils in States or they are only to be considered and returned to the Legislative Assemblies without any such motion being made or passed? If they are not required to be passed by the Legislative Councils, what motions, if any, are to be made with respect to such Bills in the Legislative Councils and what special procedure is to be adopted for their consideration?(*Uttar Pradesh Council*)

7. LEGISLATURE SECRETARIAT

What are the exact meaning and implication of article 187(1) of the Constitution? Is the creation of a Department of a State Legislature as a separate Department but under the administrative control of a Secretariat Department on the portfolio of a Minister consistent with such meaning and implication, Presiding Officer thereof having under this scheme powers to make all appointments of its staff except the gazetted staff? (*Bihar Assembly*)

8. SOCIETY OF SECRETARIES

Organization of a Society of Secretaries of Legislative Bodies in India with a view:

- (i) to discuss administrative, procedural and other matters at Secretary-level,
- (ii) to bring about uniformity of organization in Legislature Secretariats throughout India,
- (iii) to consider and to report on any matters referred to by the Conference of the Presiding Officers, and
- (iv) to recommend to the Conference of the Presiding Officers any points which require their consideration. (*Parliament Secretariat*)

TRIVANDRUM

(30 July-1 August, 1951)

1. PRIVILEGES

- (a) Where the rules of a Legislature provide that on leave being granted to raise a question of privilege, the question shall be referred to a Committee of Privileges on a motion made by the Leader of the House, etc., must the question be referred to the Committee without allowing any discussion or taking vote on the motion made by the Leader of the House?
- (b) If it is held that such a motion can be discussed and voted upon, what should be the scope of the discussion on such motion and can a member going into the merits of the incident be prevented from doing so? (*Madhya Pradesh Assembly*)

2. LEGISLATION

Can a Bill, in respect of which a motion that it be taken into consideration has been passed and several clauses have been adopted as parts of the Bill, be referred to a Select Committee? (*Saurashtra Assembly*)

3. BUDGET

- (a) Can the entire policy of Government be discussed during discussion and voting of the Supplementary Demands for Grants? (*Uttar Pradesh Assembly*)

(b) Whether it is in order to incur expenditure for new services not contemplated in the Annual Financial Statement for the year without the prior sanction of the Legislature and later on to bring a Supplementary Demand before the House to regularise the Expenditure? (*Orissa Assembly*)

4. WITHDRAWAL OF MOTIONS

Whether a motion can be withdrawn after it has been put to the House and a division called but before actual division takes place? (*West Bengal Assembly*)

5. DEBATES

(a) How far matters which are pending not before courts, but before Sales Tax Departments or Income-tax Departments or Income-tax Investigation Commission or Labour Tribunals, etc. be allowed to be debated upon in the House? Are they affected by the principle of *sub judice*? (*West Bengal Assembly*)

(b) How far a debate in the House should be allowed when attacks are attempted to be made against the Officers of the Government or against members of the public, none of whom are before the House to contradict the same? (*West Bengal Assembly*)

6. LANGUAGE

Is it obligatory on the Presiding Officer of a State Legislature to permit any member, under article 210 of the Constitution, to address the House in English, even in the case of a Legislature, which, according to the rules framed by it, has been transacting its business in Hindi before the commencement of the Constitution and where, also after the commencement of the Constitution, a law has been enacted providing for the transaction of its business in Hindi? (*Madhya Bharat Assembly*)

7. SELECT COMMITTEES

Can a Select Committee to which a Bill has been referred by a Legislature, recommend that the Bill may be dropped or withdrawn? If so, what are the circumstances in which such a recommendation may be made? (*Mysore Assembly*)

8. ESTIMATES COMMITTEE

(a) What exactly should be the functions of an Estimates Committee with respect to the Budget of a State Government? What functions are intended to be discharged by such a Committee of the Indian Parliament? Should the system be copied also in State Legislative Assemblies? (*Bihar Assembly*)

(b) What is the exact scope of the activities of "Estimates Committees"? (*Uttar Pradesh Assembly*)

9. PRESIDING OFFICERS

(a) In what way could the Chair bring the grievances and needs of the people of his constituency to the notice of the House while occupying the Chair? (*Assam Assembly*)

(b) In view of the coming elections, what should be the policy of the Speakers standing for election? Whether they should stand as party candidates or as candidates supported by as many parties as possible? (*West Bengal Assembly*)

(c) Whether Speakers should remain members of the political parties to which they belonged at the time of their election as Speaker and take part in the deliberations of these parties? (*West Bengal Assembly*)

10. ADVOCATE-GENERAL

Can the Speaker call the Advocate-General to address the House on a particular legal or constitutional point before it even if Government do not agree that the presence of the Advocate-General in the House is necessary? (*Bihar Assembly*)

11. ABSENCE OF MEMBERS

(a) If a member of a House of a Legislature, having been absent for a period of 60 days computed in the manner prescribed under article 190(4) of the Constitution, attends the House, is the House competent thereafter to declare his seat vacant? (*Uttar Pradesh Assembly*)

(b) (i) A member remains absent from the meetings of the Assembly for 60 days or more without Assembly's permission and thereafter begins to attend its meetings.

Is he to be prevented from so attending the Assembly until it has condoned his previous absence by granting him leave for the period in question?

(ii) Is it open to the Assembly to declare his seat vacant even when he has begun attending the meetings of the Assembly because of his having remained absent from its meetings for 60 days or more without its permission? (*Bihar Assembly*)

12. DISQUALIFICATION OF MEMBERS

What is the meaning of the expression 'if any question arises' occurring in clause (1) of article 192 of the Constitution? (*Madhya Pradesh Assembly*)

13. COMMUNICATIONS BETWEEN THE CHAMBERS

What should be the exact form of communication from one Chamber to the other of a State Legislature? (*Bihar Assembly*)

14. SUSPENSION OF THE PUNJAB LEGISLATIVE ASSEMBLY AND ITS SPEAKER

15. UNIFORMITY OF RULES OF PROCEDURE

16. LEGISLATURE SECRETARIAT.

GWALIOR

(24-26 October, 1953)

1. INTER-LEGISLATURE ASSOCIATION

Consideration of the proposal to organize an Inter-Legislature Association (*Parliament Secretariat*)

2. LEGISLATURE SECRETARIAT

The necessity of an Independent Legislature Secretariat (*Parliament Secretariat*)

3. FINANCIAL COMMITTEES

Formation and functions of Financial Committees (*Parliament Secretariat*)

4. GLOSSARY OF TERMS IN HINDI

What steps should be taken to compile and maintain an up-to-date glossary of administrative, constitutional, parliamentary and legal terms in Hindi? (*Parliament Secretariat*)

5. PRIVILEGES

Are the State Legislatures competent to take contempt proceedings against persons resident outside the State territories, under powers conferred by article 194(3) of the Constitution of India? (*Parliament Secretariat*)

6. PRESIDING OFFICERS

What should be the position of the Presiding Officer or Officers of the State Legislature in the event of the suspension of the State Legislature, especially when the provisions of the Constitution relating to the officers of the State Legislature are also suspended? (*Punjab Council*)

7. DEPUTY SPEAKER

Can the Deputy Speaker exercise the rights of ordinary members to participate in debates and attack or criticise the Government and take part in Divisions of the House? (*Saurashtra Assembly*)

8. MACE

Is it desirable to introduce the system of Mace as a symbol of authority in the State Legislature? (*Bihar Council*)

9. OATH OR AFFIRMATION BY MEMBERS

10. SEPARATE LEGISLATURE SECRETARIAT FOR PART C STATES

11. DEPUTY SPEAKER/DEPUTY CHAIRMAN

What status, rank and emoluments should be given to the Deputy Speaker and the Deputy Chairman of the State Legislatures by the respective State Governments? (*Assam Assembly*)

12. LEADER OF THE HOUSE

Whether the Leader of the House should not be a member of the House and whether the selection of a person who is not a member of the House as the Leader is proper? (*Mysore Council*)

13. ALL INDIA SERVICE FOR SECRETARIES

Creation of an All India Service for Secretaries, etc. of the Legislative Bodies in India (*Punjab Assembly*)

14. LEGISLATURES OF OTHER COUNTRIES

Whether it is not proper for State Legislatures to carry on correspondence with Legislatures outside India? (*Mysore Council*)

15. ELECTION OF PRESIDING OFFICERS.

SRINAGAR

(14-16 June, 1954)

1. GOVERNOR'S ADDRESS

How should the following situations arising in connection with the Governor's Address to the Assembly be tackled:

(i) The entire Opposition or a party or a group stays out as a mark of protest when the Governor comes to Address the Assembly,

(ii) A party or group stages walk-out when the Governor begins to Address, and

(iii) Some members rise to raise Points of Order when the Governor is present? (*Orissa Assembly*)

2. PRIVILEGES

Whether a Minister who is a member of the Legislative Assembly is liable to any disciplinary action by the Legislative Council of the same State for any breach of privilege committed by him and whether the Privileges Committee of the Council is competent to recommend any disciplinary action in such a case? (*Bihar Council*)

3. IMMUNITY FROM ARREST

Whether a member is immune from arrest under the Preventive Detention Act within the precincts of the House:

(i) While the House is sitting,

(ii) While the Housing is not actually sitting but the Legislature is in session, and

(iii) While the House is not in session? (*West Bengal Council*)

4. LEGISLATION

(a) Article 207(3) of the Constitution provides that a Bill involving expenditure from the Consolidated Fund of the State shall not be passed by a House of the Legislature unless the Governor has recommended to that House the consideration of the Bill. In view of this, whether a Bill for which recommendation has not been received from the Governor can be taken up for consideration in the House? (*Bihar Council*)

(b) What is the nature of the recommendation that may be proposed to an Appropriation Bill in the Legislative Council? (*West Bengal Council*)

5. QUESTIONS

(a) (i) Whether Government can amend the answer of a Question already answered in the previous session of the House. If so, what will be the procedure?

(ii) How far a Question relating to a university can be subject matter of interpellation in a House? (*Bihar Council*)

(b) Whether a Minister can give whatever answer he pleases to a Question or whether the Speaker has any control over it (the answer), say, of *suo motu* expunging therefrom any part on the ground of its being irrelevant or unparliamentary or derogatory to a member of the House? (*Bihar Assembly*)

6. CENSURE MOTION

Does the rule of anticipation extend to a Censure Motion or a motion expressing want of confidence in the Ministry? (*Andhra Assembly*)

7. MINISTERS

Whether in case of a bicameral Legislature a Minister who is a member of one House and who, under the Constitution, is entitled to speak and otherwise take part in the proceedings of the other House (but not vote), can, of right, move motions in the House of which he is not a member? If so, is the Rule of Procedure, if any, restricting the right to move motions to members only, *ultra vires* the Constitution insofar as it affects the Ministers? (*Bihar Council*)

8. LEADER OF THE OPPOSITION

(a) Who should be called the Leader of the Opposition? If the several parties or groups in a Legislature do not jointly recognise the leader of any one particular party or group as the Leader of the Opposition, is the House to go without a Leader of the Opposition? Or, under such circumstances, should the leader of the largest party or group be considered as the Leader of the Opposition? (*Bombay Legislature*)

(b) Whether, when there are several parties or groups in Opposition, the leader of the party having the largest numerical strength in the House can *ipso facto* be recognised as the Leader of the Opposition? (*West Bengal Council*)

9. MACE

Further consideration of the point whether it is desirable to introduce the system of Mace as a symbol of authority in the State Legislature (*Bihar Council*)

10. INTER-LEGISLATURE ASSOCIATION

Further consideration of the proposal to organize an Inter-Legislature Association (*Parliament Secretariat*)

11. INDIAN PARLIAMENTARY SERVICE

Further consideration of the point re: creation of an Indian Parliamentary Service (*Punjab Assembly*)

12. RULES OF PROCEDURE

Uniformity of Rules of Procedure in State Legislatures.

RAJKOT

(3-5 January, 1955)

1. ADJOURNMENT OF THE HOUSE

Is it open to the Leader of the House to move a motion of adjournment of the House *sine die* when a large volume of business is pending before it? Is it not incumbent on the Leader of the House to consult the Leader of the Opposition before moving this motion? Should not the Speaker be also consulted in this connection? (*Punjab Assembly*)

2. ADJOURNMENT MOTIONS

Adjournment Motion:

(i) Under what circumstances should the consent of the Speaker be refused,

(ii) Whether it is necessary to state in the Chamber the reasons for refusing his consent, and

(iii) Whether the mover of the motion should as a matter of right be permitted to speak on the circumstances which render the motion admissible under the Rules of Procedure? (*Delhi Assembly*)

3. PRIVILEGES

Whether, in view of the recommendation of the Press Commission regarding codification of the powers, privileges and immunities of the Legislatures in India and their members and Committees in regard to contempt of Legislatures (*vide* paragraph 1096 of the Press Commission's Report), it would be desirable to undertake any legislation at present for codifying the powers and privileges of the Legislatures and their members and Committees? (*Bombay Legislature*)

4. LEGISLATION

(a) Whether it is in consonance with the spirit of the Constitution and the privileges of a House of a Legislature to vest in the Governor, *i.e.*, the Government, the power to publish Bills prior to their introduction in the House? (*Uttar Pradesh Council*)

(b) Whether prior publication of Government Bills should be ordered by the Speaker as a matter of course on receipt of a request from the Government in that behalf, or the Speaker has a discretion in such matters? If the Speaker has such a discretion, to what extent and under what circumstances can the same be exercised? (*Rajasthan Assembly*)

(c) Whether an amendment, seeking to increase the expenditure out of the Consolidated Fund proposed in a Bill (which has received the Governor's recommendation under article 207 of the Constitution), could be allowed to be moved without the recommendation of the Governor under article 207 (1) of the Constitution? (*Orissa Assembly*)

(d) In case of non-official Bills, whether there should be a drafting section in the Legislature Secretariat to advise members in drafting their Bills or whether the assistance of the Legal Department should be invoked for examining every non-official Bill for the purpose of putting it in proper form and language after notice of the Bill has been admitted by the Presiding Officer of the Legislature? (*Bombay Legislature*)

5. QUESTIONS

(a) Cannot the Speaker disallow a Question which contains a defamatory statement, even if the member who has given notice of it makes himself responsible for the accuracy of that statement? (*Bihar Assembly*)

(b) At present, the control to admit or refuse a short notice Question is with the Minister. It is better that such refusal should only be on the ground that there is not sufficient time to get information and where the Minister refuses, the Chair should have the right to admit, provided it is taken up not earlier than 7 days from the date of notice to Government (*Mysore Council*)

(c) What should be the criterion for admitting a Question or allowing a discussion in the House in respect of:

  (i) Subjects which are included in List I (Union List) of the Seventh Schedule to the Constitution, but functions relating to which have been delegated to the States with or without limitations, and

(ii) Subjects which are included in List II (State List) of the Seventh Schedule to the Constitution, but have been entrusted to the Central Government with the consent of the State? (*Lok Sabha*)

6. PETITIONS

The present Rules of Business of the Bihar Assembly, in one of their chapters, provide for submission of "Petitions" relating to Bills. Should the Rules of Business make provision for bringing forward before the Legislature by means of "Petitions" other matters also, such as Resolutions, etc.? (*Bihar Assembly*)

7. FINANCIAL COMMITTEES

Whether the Financial Committees are competent to examine the expenditure and estimates relating to charged items of the Budget? (*Rajasthan Assembly*)

8. RESIGNATION OF SPEAKER AND DEPUTY SPEAKER

(a) To whom should the Speaker or the Deputy Speaker hand over his resignation if the office of the Speaker or the Deputy Speaker, as the case may be, is vacant at the time of the resignation?

(b) To whom should the Speaker and the Deputy Speaker hand over their resignation if they intend to resign at the same time? (*Bihar Assembly*)

9. NO-CONFIDENCE MOTION AGAINST A MEMBER OF PANEL OF CHAIRMEN

Can a motion of no-confidence be brought before the House against a member of the Panel of Chairmen in regard to his conduct as a Presiding Officer? (*Lok Sabha*)

10. STATEMENT BY A RESIGNING MINISTER

If the statement of a resigning Minister contains references to Cabinet discussions or decisions or minutes and notes on files or other State documents which are relevant to the issue of the resignation:

(i) Does their disclosure without obtaining the permission of the Chief Minister amount to an impropriety, and

(ii) Is it the duty of the Speaker to prevent their disclosure on an objection being raised? (*Madhya Pradesh Vidhan Sabha*)

11. JUDGES

Is the conduct of High Court and Supreme Court Judges so far as their administrative functions—exclusive of judicial functions—are concerned, open to discussion in the State Legislature? (*Bihar Assembly*)

12. STATUTORY CORPORATIONS

What is the proper procedure for initiating discussion on the working of Statutory Corporations which the State and Central Governments are setting up for various purposes? Would it not be desirable to have uniformity of procedure in this respect? (*Bombay Legislature*)

13. INTER-LEGISLATURE ASSOCIATION

Further consideration of the proposal to organize an Inter-Legislature Association. (*Lok Sabha*)

SHILLONG

(2-4 November, 1955)

1. PRIVILEGES

(a) The procedure to be adopted when a member of any State Legislature or of Parliament commits a breach of privilege in respect of another House or Legislature or its members (*Hyderabad Assembly*)

(b) Whether an interim order of the Supreme Court permitting a member whose election has been set aside by the Election Tribunal and who has appealed against the order of the Election Tribunal to mark his attendance on the first day of the sitting of the House simultaneously with the directions refraining him from taking part in the proceedings of the House, amounts to an interference with regulation of the Procedure or the Conduct of the Business of the House and whether a question of breach of privilege could be raised on its basis?(*Uttar Pradesh Assembly*)

2. NO-CONFIDENCE MOTION

If it becomes a habit with the Opposition to give notice of a motion of no-confidence in the Council of Ministers at each session, can any criteria be laid down by the Speaker to determine the necessity or otherwise for admitting such motions and if so, what are they? (*Madhya Pradesh Vidhan Sabha*)

3. WALK-OUT

(a) Whether a walk-out staged by a member or a section of the House to demonstrate its protest against the rulings given by the Speaker: (i) in exercise of his discretionary powers, and (ii) in accordance with rules, is derogatory to the dignity of the House and reflection on the Chair amounting to contempt of the Speaker?

(b) What remedies the Conference suggests to meet such a situation? (*Punjab Vidhan Sahba*)

4. SELECT COMMITTEES

(a) Whether a Select Committee can be considered as validly constituted even though all the members belonging to the Opposition decline to be members thereof? (*Orissa Assembly*)

(b) Whether Select Committee on Bills can adjourn from place to place at the discretion of the Committee or its Chairman, without explicit sanction of the House? (*Vindhya Pradesh Assembly*)

(c) When a Select Committee on a Bill, required by the House to report on the Bill within a specified period, is unable to complete its deliberations and on or about such date the House is not in session, is it open to Committee to continue its work and submit its report when the House meets or should the Committee wait for an extension to continue its work? (*Bhopal Assembly*)

5. JOINT COMMITTEES

Whether, in view of the fact that Constitution does not provide for a joint sitting of the two Houses of a State Legislature, the provisions in the rules of the two Houses of a State Legislature regarding Joint Committees of both Houses on Bills and on matters of public importance are in order? (*Bombay Legislature*)

6. PRESIDING OFFICERS

In view of the new constitutional set-up, would it not be desirable to have a set of uniform rules or a code of conduct for the guidance of Presiding Officers of the various Legislative Bodies in India in regard to the following basic or fundamental matters:

(i) Powers of the Legislature,

(ii) Privileges of the House and of its members, and

(iii) Relations of the Legislature *vis a vis* the Eexecutive Government? (*Bombay Legislature*)

7. MINISTERS

(a) Whether the special privilege conceded by way of an exception to the general rule to a Minister by the provisions of articles 88 and 177 of the Constitution of India as regards Parliament and the State Legislatures, respectively, can, by Rules of Procedure, be extended to Deputy Ministers and Parliamentary Secretaries? If not, is not such a Rule of Procedure *ultra vires* the Constitution? (*Bihar Council*)

(b) If the reply given by a Minister is evasive or incorrect, can the Speaker compel the Minister to give definite and correct reply or send for the files? (*Punjab Vidhan Sabha*)

MADRAS

(17-19 September, 1956)

1. INDIAN PARLIAMENTARY SERVICE

Consideration of the Report of the Committee of Secretaries on the proposed Indian Parliamentary Service

2. INTER-LEGISLATURE ASSOCIATION

Further Consideration of the proposal to organise an Inter-Legislature Association

3. INTEGRATION OF SERVICES

Discussion on the Integration of Services of Legislature Secretariats of States affected by the Reorganisation proposal

4. PRIVILEGES

(a) Consideration of the Report of the Committee of Speakers on the procedure to be adopted when a member of Parliament or a State Legislature commits a breach of privilege in respect of the other House or another Legislature on its members or Committees thereof

(b) Can the privilege of freedom from arrest in civil cases extend to cases of a *quasi* civil or revenue nature also? (*Rajasthan Assembly*)

5. DEBATE—EXPUNCTION

(i) Whether any portion of a member's speech or utterance in the House can or should be expunged from the official records of the proceedings of the House?

(ii) If the question is not capable of being answered in such general terms, whether any portion of a member's speech or utterance declared to be unparliamentary by the Presiding Officer can or should be expunged from the official records?

(iii) If the answer to either be in the affirmative, what is the authority to direct the expunction:

(I) the House, or

(II) the Presiding Officer?

(iv) If it is the House, should there be a formal motion for expunction?

(v) If it is the Presiding Officer:

(I) Has he any inherent power to direct expunction, or

(II) Has he to be authorised by the Rules of Procedure?

(vi) When and if expunction is ordered, what should be the procedure followed:

(I) Whether the matter ordered to be expunged should be erased or removed from the record, or

(II) Whether they should remain in the manuscript record but omitted from the printed and published proceedings? (*West Bengal Assembly*)

6. LEGISLATION

(a) To what authority should a reference made by the President under the proviso to article 3 of the Constitution of India be addressed? (*Bombay Legislature*)

(b) What procedure should be adopted for the removal of inconsistencies discovered in a Bill after its second reading is over? (*Rajasthan Assembly*)

7. SUMMONS

Whether, after a House has been summoned by the Governor to meet on a particular day, the Governor can cancel the summons and summon the House to meet on another day? (*West Bengal Council*)

8. BUDGET

(a) Whether distribution by or under the directions of the Finance Minister to the Press of copies of his Budget Speech containing fresh taxation proposals, or otherwise release of the Budget proposals, good time ahead of the hour at which the Finance Minister is to read it to the House, under an embargo to the effect that the same should not be published or broadcast before the scheduled hour, is in consonance with parliamentary traditions and conventions?

(b) If the answer to the above proposition is in negative, what are the powers of the House in this matter in order to preserve the parliamentary traditions and conventions?

(c) Whether it is open to the Committee of the House, constituted to enquire into the causes, etc., of Budget leakage, to make remarks and recommendations about a Government officer responsible for the leakage of Budget proposal? (*PEPSU Vidhan Sabha*)

9. DEBATES

(a) (i) Is it open to the House of a Legislature to discuss the conduct of the Governor in his personal or official capacity?

(ii) If so, in what manner? (*Uttar Pradesh Assembly*)

(b) Whether the conduct of a person who is praised or complimented in the House by a Minister is open to criticism by other members of the House or not who disagree with the remarks made by the Minister? (*PEPSU Vidhan Sabha*)

10. MOTION—CONDUCT OF A MEMBER

What procedure should be followed in the case of a notice given by a private member of a motion against the conduct of a member of the Assembly? (*Rajasthan Assembly*)

11. FINANCIAL COMMITTEES

Whether members of the Council should be associated with the Public Accounts Committee appointed by the Assembly? (*West Bengal Assembly*)

12. PRIVILEGES

Whether the authority given to High Court to initiate contempt proceedings under article 215 can be operative against member of Legislature for alleged contempt in speeches made on the floor of the House? Assuming that the High Court has authority to initiate contempt proceedings in such cases, is that not debarred under article 194 (2) of the Constitution? (*Orissa Assembly*)

13. SUBORDINATE LEGISLATION

Whether the Committee on Subordinate Legislation of a State Legislature is competent to scrutinise the rules framed by the Government of that State in exercise of the powers conferred upon it by the Constitution or by Acts passed by the Parliament? (*PEPSU Vidhan Sahba*)

14. ELECTION TO COMMITTEES

(i) Whether elections to:

(I) A Select or Joint Select Committee on Bills,

(II) Parliamentary Committees such as Public Accounts Committee or the Estimates Committee,

(III) Standing Committees which are mere Advisory Committees and are not constituted under Rules of Procedure,

(IV) Other public bodies either under some enactment or statute or some kind of instrument,

are questions at a sitting of a House of a Legislature within the meaning of articles 100 or 189 of the Constitution?

(ii) In which of the above cases, elections by proportional representation by single transferable vote is permissible? (*Uttar Pradesh Assembly*)

15. PRESIDING OFFICERS

(a) What should be the relations of a Presiding Officer of the House of the Legislature with political parties in the country? (*Bombay Legislature*)

(b) Where should the Speaker/Chairman of a Legislature who desires to watch the proceedings of the House of another Legislature be seated—whether by the side of the Speaker/ Chairman of that House or in the Speaker's/Chairman's Gallery? (*Bombay Legislature*)

16. PARTIES

What should be the principle on which a party or a group in a Legislature should be recognised? The principle that the number of members to form a party should not be less than the quorum required to constitute a sitting of the House may be workable where the Opposition is fairly large; but where the Opposition is considerably small and consists of heterogeneous groups as in the Bombay State Legislature and where it will not be feasible to have recourse to such a principle, would it not be proper to fix the exact number of persons which would constitute a party or a group in the House even under the present circumstances? (*Bombay Legislature*)

17. LEGISLATURE SECRETARIAT

(a) Whether placing the Secretariats of the Houses of Legislatur in the States under an Administrative Department o Government for purposes of communication with othe Departments of Government on important matters is consisten with the independence of the Secretariats of the Houses Legislature as envisaged in clause (1) of article 187 of th Constitution? (*Uttar Pradesh Council*)

(b) (i) Whether the Public Service Commission can, under clause (3) of article 320 of the Constitution refuse to agree with the rules or principles framed by the Governor under clause (3) of the article 187? and

(ii) Whether the Governor is competent to provide in rules framed under the said article that it shall not be necessary for the appointing authority concerned to consult the State Public Service Commission in selecting candidates for appointment to some or all the parts in the Secretariats of a House of Legislature? (*Uttar Pradesh Council*)

JAIPUR

(14-16 October, 1957)

1. INTER-LEGISLATURE ASSOCIATION

Consideration of the Report of the Committee of Presiding Officers on the formation of an Inter-Legislature Association

2. INDIAN PARLIAMENTARY SERVICE

Consideration of the Report of the Committee of Presiding Officers on the proposed Indian Parliamentary Service

3. PRIVILEGES

(a) Whether Government can conduct any enquiry, open or confidential, with regard to matter which the Committee of Privileges of the House is already seized of? (*Bihar Assembly*)

(b) Is it desirable for the Government to appoint a Committee to inquire into and report upon matters which are under the purview of Committee of the State Assembly? (*Punjab Vidhan Sahba*)

4. MOTIONS—REPETITION OF

Can substantially identical motion in respect of which the House has taken a decision, be moved during the same session before the rule prohibiting repetition of motions is first suspended? (*Kerala Assembly*)

5. LEGISLATION

(a) Does the withdrawal of a motion in respect of the proceedings of a Bill constitute a bar to bringing in another motion in respect of the same Bill during same session? Or does it tantamount to a rejection? (*Kerala Assembly*)

(b) Whether a Presiding Officer can reuse the introduction of an official or non-official Bill which *prima facie* is against the provisions of the Constitution? (*Mysore Council*)

(c) When a Bill replacing an Ordinance issued by the Governor is proposed to be taken up in the Assembly at the earliest opportunity and a notice of a Resolution under article 213(2)(a) disapproving the Ordinance is received:

(i) Whether the Bill replacing the Ordinance should be taken up first and after the Bill is disposed of, the Resolution disapproving the Ordinance should be declared as having fallen through? or

(ii) Whether the Resolution disapproving the Ordinance should be taken up first and after it is disposed of, the Bill should be taken up? (*Bombay Legislature*)

(d) What should be the scope of discussion of the Appropriation Bill? (*Assam Assembly*)

6. BUDGET

In the House of Commons, Budget discussions are spread over a number of months. Is it desirable that longer period is allowed for the discussion of Budget and voting of Demands by the State Assemblies than at present? (*Punjab Vidhan Sabha*)

7. QUESTIONS

(a) Whether Questions should lapse with the prorogation of a session?

(b) Whether lists of Questions for a day should lapse or be carrie over to the next day? (*Mysore Assembly*)

8. FINANCIAL COMMITTEES

(a) Will it not be desirable to establish a procedure whereby the term of office of the Financial Committees elected after the commencement of the first session of the Assembly be fixed for the period of its term with 1/3rd members thereof retiring every year and that the vacancies so caused be filled by re-election? (*Punjab Vidhan Sabha*)

(b) Is it desirable that the reports of the Financial Committees be considered and discussed in the Assembly on a regular motion and a day allotted for the purpose? (*Punjab Vidhan Sabha*)

9. LEGISLATURE SECRETARIAT.

DARJEELING

(8-10 October, 1958)

1. MEMBERS

(a) From which date a person elected to the State Legislative Assembly or Council becomes a member of such Assembly or Council in the case of (i) General Elections, (ii) Biennial Elections, and (iii) Bye-elections, with reference to the provisions contained in sections 67A, 73 and 74 read with section 157 (1) of the Representation of the People Act and article 172 of the Constitution of India? (*Madras Assembly*)

(b) When can a person be deemed to have become (i) a member of both Parliament and a House of the Legislature of a State, and (ii) a member of both Houses of the Legislature of a State, so as to incur the disqualification under articles 101 and 190 of the Constitution and the rules framed by the President thereunder? — Whether it is from the date of election under section 67A or from the publication of notification under section 71 or 73 or 74, as the case may be, of the Representation of the People Act? (*Madras Assembly*)

(c) When stay order has been passed by a High Court in an appeal against the order of an Election Tribunal setting aside an election, can the member take his seat even before the Presiding Officer receives the High Court's order? (*Kerala Assembly*)

2. OBITUARY REFERENCES

What principle should be followed in allowing obituary references to be made in the House? (*West Bengal Assembly*)

3. MINISTERS

Is it not desirable that Ministers should stay at headquarters except for urgent reasons of State when the Houses are in session and attend the meetings, particularly when subjects relating to them are under discussion? (*Mysore Assembly*)

4. MONEY BILLS

(a) What is the scope of sub-clause (g) of clause (1) of article 199 of the Constitution of India for determining whether any Bill is a Money Bill? (*Bombay Legislature*)

(b) (i) Does the period of 14 days mentioned in article 198 of the Constitution mean calendar days or does it mean the days on which the Legislative Council actually sits?

(ii) What is the effect of adjournment or prorogation of the Council on the running of the said period of 14 days?

(iii) Is it necessary for the Assembly Secretariat to ask the Council Secretariat to return the original Bill which was transmitted to them for obtaining the assent of the Governor or they can send the counterpart thereof from their own file for Governor's assent?

(iv) Has the Law Department through whom Bills are transmitted to the Governor for obtaining his assent any authority to return the Bills without obtaining the orders of the Governor on the point? (*Uttar Pradesh Assembly*)

(c) Whether the Assembly can be prorogued when a Money Bill passed by the Assembly and transmitted for its recommendations to the Council is pending consideration by the Council and the period of 14 days from the date of transmission has not expired? (*West Bengal Council*)

5. LEGISLATION

(a) (i) Whether publication of the English translation of a Bi in which leave of the House to introduce is asked for necessary? If so, under what rule or law?

(ii) If it is necessary, then is the said English translation to be published under the authority of the Governor under article 348 (3) of the Constitution or under any other provision of the Constitution or rules of the Assembly and can it be done by the Assembly Secretariat without any authority of the Governor in this behalf? (*Uttar Pradesh Assembly*)

(b) How far is it permissible for members to table amendments at the stage of reconsideration by the Assembly of a Bill returned by the President, particularly when it is an Official Bill? (*Kerala Assembly*)

(c) What steps should be adopted in respect of Bills which originate in and are passed by the Council and transmitted to the Assembly but not returned by the latter with or without amendments? (*Punjab Vidhan Sabha*)

(d) Where a Bill has been published prior to introduction under the orders of the Presiding Officer of one House, is it proper that on a request by the Government, the Presiding Officer of another House of the same Legislature should agree to getting it published prior to introduction for being introduced in his House? (*Mysore Assembly*)

6. WALK-OUTS AND PROTESTS

Notices of a large number of Adjournment Motions are received from members whereby discussion is sought to be raised sometimes on very trivial matters like the transfer of officers and non-framing of rules under certain Acts. Such Adjournment Motions are, for obvious reasons, ruled out of order. Members of the Opposition resort to walk-outs as a protest against the Speaker's ruling and sometimes make unpalatable and derogatory remarks which detract from the prestige and dignity of the Chair. What attitude should the Speaker adopt under such circumstances? (*Punjab Vidhan Sabha*)

HYDERABAD

(21-23 January, 1960)

1. ADJOURNMENT MOTIONS

Can an Adjournment Motion fixed for a day be taken up on a subsequent day for discussion—whether Adjournment Motion lapses if the urgency of the matter is waived by the Presiding Officer? (*West Bengal Council*)

2. PRIVILEGES

Whether members should be permitted to table motions on matters of privilege where the Presiding Officer has not admitted the notice on the ground that it is *prima facie* inadmissible? (*Mysore Assembly*)

3. LEGISLATION

(a) Whether an Ordinance incorporating the provisions of the Bill as reported by the Select Committee may be promulgated by the Governor immediately after the session is prorogued when the Bill as reported by the Select Committee is pending before the House? (*Andhra Pradesh Legislature*)

(b) Can the House after passing an amendment to a clause discharge its own order and get back into the position as if the amendment was not carried? (*West Bengal Assembly*)

4. COMMITTEES

(a) Whether it is in order or proper to allow any Committee constituted under the Rules of the Procedure of a Legislature to be inaugurated by any person other than the *Rashtrapati*, Governor of the concerned State or the Presiding Officer of the said House, specially when such person is not of the Presiding Officers' category? (*Andhra Pradesh Legislature*)

(b) Whether it is desirable to extend the scope of the Committee on Government Assurances so as to enable it to scrutinize not only those Assurances which are given by the Ministers on the floor of the House but also those which have been given by their utterances in the public as also complaints and representations received by the Speaker from the members of the Vidhan Sabha or the public? (*Punjab Vidhan Sabha*)

(c) In the case of a bicameral Legislature, before the names of members elected from the Legislative Council to the Financial Committees (Public Accounts and Estimates) of the House are actually communicated to the Legislative Assembly, can the Chairmen of the said Committees be nominated in the Legislative Assembly? (*Andhra Pradesh Legislature*)

5. BUDGET

What should be the proper procedure in respect of constitution of earmarked funds by Government, for which a demand is made in the Main or Supplementary Budget, so as to ensure effective parliamentary control over such funds, *i.e.*, whether such funds should be allowed to be constituted by mere Executive orders or they should be constituted under a statutory authority? (*Bombay Legislature*)

6. DEBATES

(i) When the copies of the speeches made by the members in the House are sent to them for correction, can the members make wholesale corrections thereby altering the speeches substantially?

(ii) How far the editing branch of the Legislature take liberty in correcting the mistakes in the speeches of the members?

(iii) When a member disputes as to the correctness of the speech he made in the House, whose decision on the correctness or otherwise of the speech is final? (*Andhra Pradesh Legislature*)

7. MEMBERS

What is the procedure to be followed in cases regarding the imposition of penalty for sitting or voting by a disqualified member as a member of the House contemplated in article 193 of the Constitution? (*Andhra Pradesh Legislature*)

8. MINISTERS

Whether it is in order or proper to allow the Ministers to attend to Government files and papers not connected with the subject-matter under consideration of the Legislature while they are in the House? (*Andhra Pradesh Legislature*)

9. PRESIDING OFFICERS

(a) Is it advisable for the Speaker to revise, amend or alter the ruling given by the Deputy Speaker or the Chairman while presiding over a sitting of the House? (*Rajasthan Assembly*)

(b) Should the Speaker remove all Opposition members when they *en bloc* oppose a business and create disturbance in the House disregarding the appeal from the Chair? Should the Chair enforce the penal provisions and remove all the members of the Opposition or should he adjourn the House in such a case considering it to be a case of grave disorder? (*West Bengal Assembly*)

Supplementary Agenda

1. When the Governor falls ill or is otherwise incapacitated to Address the House on the date when the House has been summoned under article 176 of the Constitution of India, can the Governor delegate his function to anybody else to read his Address to the House? Can the Speaker or Chairman read his Address to the House on behalf of the Governor and in his absence and if so, who should read: the Speaker or the Chairman? (*Andhra Pradesh Legislature*)

2. When a Minister or any member is speaking, if some other member intentionally interferes by saying 'On a point of information', will it be alright if the Chair gives a ruling that for any information required by the members, they will be given an opportunity to ask at the end of the speech? (*Andhra Pradesh Legislature*)

General Discussion

1. The independence of the Legislature Secretariat and the control of the Presiding Officers over it (*Andhra Pradesh Legislature*)

2. What is the correct procedure to be observed in obtaining orders of the Governor regarding summoning, prorogation and dissolution of the House and under whose signatures the orders of the Governor should be notified? (*Uttar Pradesh Assembly*)

3. Formation of an Indian Parliamentary Association (*Madras Council*)

4. Facilities of the Opposition parties and the Leader of the Opposition (*Bombay Legislature*)

5. Freedom of Speech to members of Legislatures (*Punjab Council*)

6. Position of ex-members of Parliament (*U.P. Council*)

7. The resignation of Presiding Officers from their Legislature party membership (*Andhra Pradesh Legislature*)

8. The convention of the Speaker being re-elected to the constituency and to the Speakership as in England so long as he desires to serve (*Andhra Pradesh Legislature*)

9. Constitution of an All India Parliamentary Service (*Andhra Pradesh Legislature*)

10. Some leading members of the Opposition being appointed as Chairmen of some of the Committees like P.A.C., E.C., Subordinate Legislation Committee, Petitions Committee and House Committee (*Andhra Pradesh Legislature*)

11. Whether references in the proceedings to walk-outs accompanied by shouting of slogans and also statements on the floor of the House at the time of Governor's Address or even on other occasions should be allowed to find a place in the proceedings and further, if they are to be expunged on the grounds of their being unparliamentary, defamatory or undignified, what should be the manner in which such expunction should be carried out? (*Bombay Assembly*)

BANGALORE

(31 December, 1960 and 2-3 January, 1961)

1. GROUPS WITHIN PARTIES

Groups within parties in the Legislatures and their effect on the work of :

(a) Legislature,

(b) Government, and

(c) Administration

2. PRIVILEGES

(a) (i) Whether the freedom of speech under article 194(2) is absolute and not subject to the control by courts either in advance or by questioning after the speech?

(ii) Whether any member of the House is subject to proceedings for contempt of court in any circumstances whatsoever?

(iii) Whether the Speaker and members have not immunity from legal proceedings against them in respect of proceedings of the House?

(iv) Whether a person against whom proceedings for breach of privilege have been taken and summons to appear has been issued, can approach the courts for determination whether the privilege, the breach whereof is complained of, exists? If so, whether the resort to court is not limited to the stage after the issue of notice to the person concerned and on petition by him only and also limited to the question of ambit of the privilege and not extending to the actual subsequent adjudication and punishment, if the privilege exists?

(v) Whether the writ petition against the Speaker of Madras Legislative Assembly was not filed recklessly without enquiring about the stage of the notice in the House and in fact making wrong statements in respect thereof and as such reckless and malicious and whether the advocate who filed the petition and the advocates who argued the case on his behalf are not guilty of deliberate contempt of the House?

(vi) Whether in the Madras case the advocate is not guilty of contempt of the House in bringing contempt application against a member of the House? Whether bringing it up in court as an urgent matter was not malicious and whether the applicant and the advocates who argued the case are not liable to proceedings for breach of privilege? In particular, was not the interim application in the case on the face of it untenable and malicious being an unprecedented one and brought only to support the false case of urgency? (*Madras Assembly*)

(b) Does a member by going to court to contest the validity of any rule of the Rules of Procedure and Conduct of Business of a House before taking recourse to the provisions of the said rules for amending them, commit any breach of the privilege of the House? (*Uttar Pradesh Legislature*)

3. AUTONOMY OF STATES

Under the Constitution of India, how far the States as understood in Part VI of the Constitution are autonomous in their sphere of activities, particularly on the following matters:

(i) List II—State List—of the Seventh Schedule,

(ii) List III—Concurrent List—of the Seventh Schedule, and

(iii) Requesting the Union Government for intervention in matters relating to the affairs of another State? (*Assam Assembly*)

4. DISPUTES BETWEEN STATES

What is the meaning of 'disputes' as contemplated under article 263(a) of the Constitution of India? (*Assam Assembly*)

5. MEMBERS' SALARY

What should be the date from which the members of the Legislature should draw their salaries after their election, *i.e.*, whether they should draw their salaries from the date on which their term of office commences under section 157 of the Representation of the People Act, 1951 or from the date on which they physically take their seats in the House? (*Maharashtra Legislature*)

6. QUESTIONS

(a) Whether Questions pertaining to the personal and household staff and other staff of the Governor are admissible? (*Gujarat Assembly*)

(b) Whether notices of Questions from members who are under legal detention may be entertained and those admitted placed on the Order Paper and whether an authority from such members in favour of other members to put their starred Questions on their behalf be accepted? (*Punjab Vidhan Sabha*)

7. COMMITTEES

Is it not desirable that the reports of the Estimates Committee, Committee on Subordinate Legislation and Committee on Government Assurances, after presentation to the House, should also be considered and adopted by the House like that of the Public Accounts Committee? (*Bihar Assembly*)

8. RECORDS

In connection with a criminal case pending before it, a court of law requisitions original notices of Questions and Motions put by a member in the House. What procedure should be adopted by the Legislatures in dealing with such requisitions? (*Bihar Vidhan Sabha*)

9. PRESIDING OFFICERS

(a) What remedies are open to Presiding Officer against a member who writes letters to him making insinuations and using undignified and threatening language in regard to the conduct of that Presiding Officer? (*Uttar Pradesh Legislature*)

(b) Whether a Presiding Officer has any powers to punish a member for contempt or continued disorderly conduct over and above the disciplinary powers contained in the Rules of Procedure of different Legislatures? (*Uttar Pradesh Legislature*)

10. AMENDMENTS

(a) Can a member move an amendment to a Bill for omission of a clause or whether it is open to a member-in-charge of a Bill to withdraw an entire clause at the consideration stage? (*Madras Assembly*)

(b) What should be the period of receiving notices of amendments to a rule which is laid before the House for a period of 14 days or for a period, at least, of not less than 14 days? (*Bihar Vidhan Sabha*)

11. LANGUAGE

Can the members of a State Legislature be debarred from using English or Hindi after the Legislature by law has adopted an official language and after a House of Legislature has made rules for transacting business of the House in the official language, and whether the Presiding Officer is empowered in his discretion to permit any member to use English even if the mother-tongue of the member is not English? (*Uttar Pradesh Legislature*)

LUCKNOW

(27-29 December, 1961)

1. PRESIDING OFFICERS

Statements by Presiding Officers of State Legislatures regarding the working of the State Legislatures and functioning of democracy as a whole in the States

2. COMMITTEE OF PRESIDING OFFICERS

Consideration of the Resolution adopted by the Committee of Presiding Officers regarding the proposed 'Indian Parliamentary Service'

3. GOVERNOR'S ADDRESS

Can summons to a Minister, who is not a member of the House, be issued to attend the Governor's Address under Article 176(1) of the Constitution? If so, by whom?

4. LEGISLATION

Whether an amending Bill dealing with matters which are relevant and cognate to the matters dealt with in the Parent Act, but outside its scope, as judged by its title, Preamble and other provisions, is in order? (*Maharashtra Legislature*)

5. COMMITTEES

(a) (i) Who should be the Chairman of the Privileges Committee?

(ii) Is it proper to have the Chief Minister or one of the Ministers as Chairman? (*Uttar Pradesh Assembly*)

(b) (i) Who should be the Chairman of Select Committee on a Bill?

(ii) Can a Minister be the Chairman? (*Uttar Pradesh Assembly*)

(c) (i) Whether a Minister who is the Chairman of a Select Committee or Joint Committee can on his own initiative invite members other than those appointed by the House or the Houses, to assist in the deliberations of the Committee?

(ii) If not, whether the report of the Committee will be vitiated owing to the participation of non-members of the Committee?

(iii) Whether a motion for breach of privilege of the House would lie against a Minister who, as Chairman of the Select Committee or a Joint Committee, calls on his own initiative members other than those appointed to the Committee as special invitees to the meeting of the Committee where they ordinarily take part in the deliberations but do not vote? (*Bihar Council*)

(d) What attitude should a Committee of the Assembly (*viz.*, Public Accounts Committee, Estimates Committee, Committee on Subordinate Legislation, etc.) adopt in the case of unresolved differences between the Committee and the Government and how should they be settled? (*Punjab Vidhan Sabha*)

6. LEGISLATURE SECRETARIAT

Whether the parliamentary convention of not discussing matters under the control of the Speaker or Chairman should be followed even when the Speaker or Chairman do not enjoy autonomy and have no real control over the matter? (*Maharashtra Legislature*)

CHANDIGARH

(10-11 February, 1963)

1. Simplification of Parliamentary Practice and Procedure during the present emergency

2. Part to be played by the Presiding Officers and Legislatures during the present emergency.

PATNA

(6-7 January, 1964)

1. LEGISLATION

(a) Can an amendment be moved to an Appropriation Bill so as to provide for the presentation of excess Demands, if any, before the Lower House within a time-limit fixed by such an amendment? (*Bihar Council*)

(b) (i) Can a Bill dependent wholly or partly upon another Bill be introduced and passed in the House simultaneously?

(ii) Whether one Bill can refer to another Bill as an Act even though the first Bill has not become an Act? (*Madras Assembly*)

(c) Has the Presiding Officer of a State Legislature the power to expunge offensive and objectionable portions of the Statement of Objects and Reasons of a Bill which has already been introduced in the House? (*Bihar Council*)

2. COMMITTEES

(a) Whether Inter-State tours of the members of the various Committees of State Legislatures are desirable? (*Punjab Assembly*)

(b) (i) What is the significance of motion that the report of the Privileges Committee be taken into consideration?

(ii) Are both the motions (i) that the report of the Privileges Committee be taken into consideration and (ii) that the House agrees with the report, necessary?

(iii) What is the scope of discussion on, and amendments to, these two motions?

(iv) What is the proper stage for moving the amendment that the matter be recommitted to the Committee? (*Gujarat Assembly*)

(c) When Committee of the Assembly desires to examine a certain document in connection with a matter under its examination and Government claims privilege in respect of that document, what attitude should the Committee adopt? Is it not desirable that a convention should be established whereby the document in question is placed before the Speaker whose decision as to whether it be produced before the Committee or not, should be final? (*Punjab Assembly*)

3. MEMBERS

A member's election is set aside by the High Court and he prefers an appeal to the Supreme Court and on an undertaking given by him that he will only attend the Assembly for the minimum number of times so as not to incur a disqualification and that he will not partake in the proceedings of the Assembly, the Supreme Court stays the order of the High Court. What steps should the Speaker take to prevent the member from attending the Assembly more than the minimum number of times? (*Madras Assembly*)

4. MINISTERS

Whether the Chief Minister and his colleagues can act as Ministers after their resignations have been accepted by the Governor and they have been asked by him to continue in office pending formation of a new Council of Ministers? (*Gujarat Assembly*)

5. PRESIDING OFFICERS

(a) Whether if any action is intended to be taken against a Speaker/Chairman in the form of the Privilege Motion or a Resolution for his removal, the party intending to take such action should obtain the prior consent of the Speaker of the Lok Sabha and the Chairman of the Rajya Sabha? (*Punjab Assembly.*)

(b) The position of the Speaker/Chairman *vis a vis* the political party which nominated him for election to this office? (*Punjab Assembly*)

6. RULES

Whether the existing systems of parliamentary control over the autonomous bodies are sufficiently effective keeping in view the present expanding developmental activities and need for economy? If not, what measures should be adopted to achieve this object? (*Rajasthan Assembly*)

BOMBAY

(11-12 January, 1965)

1. PRIVILEGES

(a) What course of action should be adopted by the Presiding Officers in view of the opinion of the Supreme Court on Reference No. 1 of 1964? (*Uttar Pradesh Council*)

(b) The provision that the powers, privileges and immunities of a House of Parliament or Legislature under articles 105 and 194 of the Constitution shall be such as may be defined by the Legislature by law, and until so defined, shall be those of the House of Commons of the United Kingdom might have been justified when the Constitution was framed, but is not th time ripe to codify the privileges taking into consideration 15 years of experience in the working in our Legislatures? (*Andhra Pradesh Council*)

2. MINISTERS

Whether the Chief Minister and his colleagues can act as Ministers after their resignations have been accepted by the Governor and they have been asked by him to continue in office pending formation of a new Council of Ministers? (*Gujarat Assembly*)

3. PRESIDING OFFICERS

Can a Chairman or a Deputy Chairman resign his office addressing his letter of resignation to any person other than the Chairman or the Deputy Chairman of the Legislative Council? (*Bihar Council*)

4. AUDIT REPORTS

The Comptroller and Auditor-General of India being an Officer independent of the Executive and being required under article 151 of the Constitution of India to submit his report to the Governor, is it not proper that he should send his report to the Secretary to the Governor who in turn should send it to the Secretary to the Legislature instead of the Comptroller and Auditor-General sending it to the Finance Department and the latter sending it to the Secretary to the Legislatures (*Gujarat Assembly*)

5. RULES OF PROCEDURE

Whether in view of the following observations of the Supreme Court in Purshottaman V. State of Kerala (A.I.R. 1962, S.C. 694 at pp. 700-701), it is necessary to amend the Rules of Procedure of the various Houses of Legislatures in the States and the Union to the effect that no business pending in the House of Legislatures in India shall lapse on prorogation thereof:

> "Thus this clause (clause 3 of article 196) marks a complete departure from the English Convention inasmuch as the prorogation of the House or Houses does not affect the business pending before the Legislature at the time of prorogation.... At whichever stage the business may stand, so long as it is pending before the Legislature of a State it shall not lapse by the prorogation of the Assembly. Thus there can be no doubt that unlike in England prorogation does not wipe out the pending business..." (*Uttar Pradesh Council*)

NEW DELHI

(29-30 October, 1966)

1. MAINTENANCE OF ORDER

(a) (i) Are the present powers of the Presiding Officers commensurate with the growing disorderliness within the House?

(ii) What are the causes of growing disorderliness and remedies therefor? (*Uttar Pradesh Assembly*)

(b) (i) When a political party or parties in the House are determined to obstruct the proceedings, what procedure should be followed so that the proceedings are conducted smoothly?

(ii) When a political party has expressed its intention in no uncertain terms of creating disturbance in the House and not allowing the proceedings to go on and when as a result members of that party are suspended from the service of the House for a certain period, whether we should also suspend the members of that party who were absent in the House on that day for the smooth conduct of the meeting on the ground that the absent members also share the same view and would have created or would create obstruction if they are not similarly suspended? (*Maharashtra Legislature*)

(c) Whether the Speaker (*i.e.* the Chair) has an inherent right to order the removal from the House of any member who refuses to obey his orders even before a motion for suspending the member has been passed by the House? (*Goa, Daman and Diu Assembly*)

(d) (i) If the joint meeting of the two Houses at the time of the Governor's Address is not considered to be a meeting of the Legislature, who is to maintain order in the House during the Address?

(ii) If the Governor is obstructed or not otherwise able to deliver his Address to the House or two Houses assembled together, as the case may be, can the House or the two Houses proceed to discuss the Address on the Motion of Thanks when they reassemble separately fo this purpose? (*Maharashtra Legislature*)

2. MINISTERS

(a) Whether a Minister of State or a Deputy Minister is a member of the Council of Ministers and is entitled to exercise the rights of speaking and otherwise taking part in the proceedings of a House of Legislature of the State of which he is not a member? (*Uttar Pradesh Council*)

(b) What should be the procedure if a member of the House wants to raise the discussion of an alleged misdemeanour of a Minister or Ministers? (*Uttar Pradesh Assembly*)

3. DEFAMATORY STATEMENTS

(i) Whether there should be any machinery or procedure for verifying the correctness or otherwise of the defamatory statements which a member wishes to make in the House against a Minister or other members?

(ii) If so, what should be the machinery or procedure? (*Maharashtra Legislature*)

4. COMMITTEES

How far is it proper for Government to place their views in respect of P.A.C.'s or any other Committee's recommendations directly before the Parliament/Legislature before submitting them to the Committee (*Maharashtra Legislature*)

5. MOTIONS

Whether any Motion or a Resolution can be moved from the Chair? If so, what kind of motion can be so moved and under what circumstances? (*Goa, Daman and Diu Assembly*)

6. PRIVILEGES

(a) A member of the Assembly handed over a petition containing allegation against some officers to a Minister in the House and sought privilege or immunity from legal action. The petition was not presented in the course of the member's speech and through Speaker. Whether such a presentation of a petition in the House to the Minister can be constructed to be part of the proceedings of the House and thus protected under the privileges of the House or its members? (*Madras Assembly*)

(b) Whether non-implementation of a Resolution passed by the House within a reasonable time constitutes a contempt of the House? What time should be deemed as "reasonable time"? Whether the same principle can be applied to the non-implementation of Assurances given on the floor of the House by the Ministers? (*Goa, Daman and Diu Assembly*)

7. MONEY BILLS

Owing to illness of a very serious nature or some other cause, the Speaker is unable to perform the duties of his office particularly during a session of the Assembly in which certain Money Bills are passed by the Assembly. As under clause (4) of article 199 of the Constitution, the certificate as to whether a Bill is a Money Bill is to be endorsed on the Bill under the signature of the Speaker alone when it is transmitted to the Legislative Council, when it is presented to the Governor for assent, is it not advisable to meet such a contingency, to empower the Deputy Speaker to certify and sign a Bill as a Money Bill by necessary amendment of the Constitution? (*West Bengal Assembly*)

8. SESSION

Can the Presiding Officer notwithstanding the reluctance of the Government on his own initiative extend the session and include the controversial subject in the agenda of the House? (*Uttar Pradesh Assembly*)

9. PAPERS LAID ON THE TABLE

(a) On the Government placing for information a document on the Table of the House:

(i) Which is not required by any Law, Statute or Constitution to be so placed,

(ii) In respect of which there is no provision that the House has jurisdiction or power to modify, amend or rescind the contents, and

(iii) The provisions of which have not been drawn up or framed by the State Government,

can any member claim a right to discuss or debate the contents thereof, *i.e.*, of such document? (*Uttar Pradesh Assembly*)

(b) Given the fact that document of the nature described above, is placed on the Table of the House accompanied with statement of the Government that the House or members may, if they choose, offer any recommendations for modifying, amending or adding any provision in the document so placed on the Table of the House and that such recommendation shall be referred to the body that had drawn up the original document, then can such recommendation be made in any manner other than:

  (i) by private communication to the Chief Minister, or

  (ii) by a Resolution by member in the form of declaration of opinion or a recommendation for consideration of the House? (*Uttar Pradesh Assembly*)

(c) Can the mere statement that the Government is prepared to forward the recommendation suggested to the authors of the document entitle any member of the House to claim a general discussion or debate as if it were a Bill moved for consideration of the House, without such members tabling a Resolution recommending some different view respecting the said document? (*Uttar Pradesh Assembly*)

(d) Given the fact that the document so placed on the Table of the House happens to be a Code of Conduct of Ministers, can a member without moving a vote of censure or no-confidence in the Ministry be permitted to move a motion for a general discussion suggesting that the Ministers have grossly violated the terms of the Code and have been guilty of misdemeanour, without specifying any particular charge against any particular Minister? (*Uttar Pradesh Assembly*)

10. PRESIDING OFFICERS

(a) Whether observations in the Fifth All India Whips' Conference at Bangalore regarding Presiding Officers *vis a vis* Party contact are not derogatory and objectionable? (*Assam Assembly*)

(b) Whether conduct of Presiding Officers can be discussed in any open Conference? (*Assam Assembly*)

11. LEGISLATURE SECRETARIAT

Resolution

'In view of the difficulties experienced by the Speakers of the Legislative Assemblies of the Union territories and in order to ensure uniformity in procedure and position and efficient functioning of the Legislature, this Conference authorises the Chairman to take up this matter with the Government of India to amend the Government of Union Territories Act, 1963 by inserting a section similar to article 187 of the Constitution. Pending such amendments it also authorises the Chairman to take necessary steps with the Government of India to ensure that the Legislature Secretariat of the Union territory is independent of the Executive and has the minimum autonomy in financial and establishment matters with the control of the Presiding Officers over it' (*Pondicherry Assembly*)

12. INDIAN PARLIAMENTARY SERVICE

Discussion on the proposed 'Indian Parliamentary Service'

13. LEGISLATURE SECRETARIAT

Discussion on 'The extent of Independence of State Legislature Secretariats from the Executive'.

NEW DELHI

(14-15 October, 1967)

1. PRESIDING OFFICERS

The desirability of establishing a convention that the Speakers and the Chairmen of Legislatures should, on their election to the Chair, resign their membership of the political parties to which they belonged (*Lok Sabha, Punjab Assembly & Himachal Pradesh Assembly*)

2. LEGISLATORS

The propriety of legislators changing their allegiance from one party to another and their frequent crossing of the floor and its effect on the growth of parliamentary democracy (*Lok Sabha, Punjab Assembly & Punjab Council*)

3. INDIAN PARLIAMENTARY ASSOCIATION

The formation of the 'Indian Parliamentary Association' (*Lok Sabha*)

4. INDISCIPLINE IN LEGISLATURES

What steps should be taken to check the growing tendency of indiscipline in the Legislatures? (*Haryana Assembly*)

5. MEMBERS' CODE OF CONDUCT

Code of Conduct for members of the Legislatures in India (*Himachal Pradesh Assembly & Punjab Council*)

6. CONTEMPT OF THE HOUSE

(a) What sort of misleading statement may constitute a contempt of the House?

(b) When a statement made by a member is refuted by another, is it obligatory for the Speaker to get it investigated (by the Committee of Privileges or otherwise) as to which of the statements is correct and whether the makers of the incorrect statement is guilty of contempt of the House? (*Bihar Assembly*)

7. WITHHOLDING INFORMATION IN PUBLIC INTEREST

When a Minister refuses to answer a question on the ground that the information cannot be given in public interest, is it not desirable that the Speaker should have power to ask the Minister in appropriate cases, to explain how it is not in public interest to disclose the information? (*Gujarat Assembly*)

8. LEADER OF OPPOSITION

Is the Presiding Officer bound to recognise any person put forward by the united front of the Opposition members (a) of all; (b) of substantially all, other than the members of the ruling party as Leader of the Opposition? (*Mysore Legislature*)

9. GOVERNOR'S ADDRESS

(a) (i) Whether, in the absence of the Governor due to unavoidable circumstances like sudden illness, the Governor can delegate his function to the Speaker or the Chairman to read his Address to the Houses assembled together under article 176(1) of the Constitution of India?

(ii) Whether it is necessary to amend the Constitution to obviate the difficulty or, can a provision be made in the

Rules of Procedure and Conduct of Business of the House to the effect that when the Governor suddenly falls ill or otherwise incapacitated to Address the House on the date on which the House has been summoned under article 176(1) of the Constitution, the Governor can delegate the function to the Speaker or Chairman to read his Address to the House on his behalf? (*Andhra Pradesh Legislature*)

10. BILLS—LANGUAGE

In a State where the Legislature has prescribed Hindi as the language for use in Bills under article 348 of the Constitution, whether it is necessary to supply to the members of the House the English version of the Bill along with the Hindi version at different stages of the Bill? (*Bihar Council*)

11. PARLIAMENTARY COMMITTEES

The desirability of constitution of a new Parliamentary Committee to scrutinise the cases of exercise of discretionary powers by Government confirming financial or material benefit on any individual or institution (*Maharashtra Legislature*)

12. BUDGET SPEECH

Budget Speech delivered in the House by the Finance Minister—request to Speaker for correction in material particulars—whether correction could be done by the Speaker or whether the Finance Minister has to make a motion to that effect in the House? (*Kerala Assembly*)

13. MINISTERS

Whether a Minister, who is a member of one House of a Legislature, is subject to the privilege of jurisdiction of the other House of the same Legislature in respect of his conduct while taking part in the proceedings of the other House by virtue of article 177 of the Constitution? (*Uttar Pradesh Council*)

14. MONEY BILLS

The scope of recommendations that may be made by Upper House under article 198 read with article 204 of the Constitution regarding Money Bills generally and Appropriation Bills in particular (*Punjab Council and Uttar Pradesh Assembly*)

15. APPROPRIATION BILLS

Whether the Legislative Council has the right to postpone consideration of the Appropriation Bill, or refer the Appropriation Bill to a Select Committee after the Appropriation Bill has been passed by the Legislative Assembly and transmitted to the Legislative Council. (*Uttar Pradesh Assembly*)

Supplementary Agenda

1. BILLS

Whether an amendment to the motion of consideration of a Bill is permissible in the following cases:

(i) Where the Bill is introduced in the Assembly and the amendment to the motion of consideration is:

'that the Bill be referred to a Select Committee for report by a date' which is beyond six weeks from the re-assembly of the Legislature.

(ii) Where the Bill is introduced in the Assembly and the amendment to the motion of consideration is:

'that the Bill be circulated for the purpose of eliciting opinion thereon by a date' which is beyond six weeks from the re-assembly of the Legislature.

(iii) Where the Bill is passed by the Assembly and transmitted to the Council and the amendment to the motion of consideration in the Council is :

'that the Bill be referred to a Select Committee for report by a date' which is beyond six weeks from the re-assembly of the Legislature.

2. LEGISLATURE SECRETARIAT

Position of the Legislature Secretariat consequent on the dissolution of the Assembly? (*Kerala Assembly*)

. PRODUCTION OF GOVERNMENT FILES

(a) When in the course of his speech a member makes some allegation against a Minister and while in reply to that allegation in the course of his personal explanation, the Minister quotes from Government files, is it a privilege of the member making the allegation or any other member of the House to be supplied with the whole file from which the quotation has been made or any other file which may have bearing upon the matter in issue?

(b) When from the statement or speech made by any Minister there appears an allegation in respect of a member of the House who has been a Minister of the State and if that member seeks to offer a clarification in respect of that allegation, is it a privilege of that member to be supplied with the whole file from which quotations were made and any other Government file which he may ask for and which may be relevant to the subject on which he wants to offer clarification? (*Bihar Assembly*)

4. ZERO HOUR

Is there any rationale or sanction behind the Zero Hour or is it beyond the bounds of legislative work? If elimination is necessary, what steps should be taken in that behalf? (*Mysore Legislature*)

5. ASSURANCES

Whether with the coming into existence of the new State of Haryana on 1 November, 1966, the Assurances given on the floor of the Vidhan Sabha of the composite Punjab be treated as lapsed so far as the Haryana State is concerned? (*Haryana Assembly*)

6. PAPERS LAID ON THE TABLE

Whether documents placed on the Table by a member in the course of a statement in the House can be returned back to the member on his request? (*Bihar Assembly*)

7. *SUB JUDICE*

What is the exact scope of the rule of *sub judice,* namely, that a matter whilst under adjudication by a court of law, should not be brought before the House by a motion or otherwise (except by means of a Bill) in relation to parliamentary proceedings? (*Maharashtra Legislature*)

8. DIVISION

When a division is called on a motion which is put to vote of the House, and it is not possible to send the members to lobbies due to frayed tempers in the House and apprehension of serious disturbances in lobbies, can the division be held by a process which has an element of secrecy? (*U.P. Assembly*)

NEW DELHI

(6-7 April, 1968)

(Emergent Conference)

1. PRESIDING OFFICERS

The functions and powers of Presiding Officers of Legislative Bodies in India in the light of recent events in West Bengal and Punjab.

TRIVANDRUM

(5-6 October, 1968)

1. CONSIDERATION OF THE REPORT OF THE COMMITTEE OF PRESIDING OFFICERS (V.S. PAGE COMMITTEE) ON:

- (i) What conventions, traditions and other procedural devices are required to be adopted or evolved to enable the Parliament/ Legislatures to function effectively and meet the new challenging situations witnessed in the country?
- (ii) What is the exact scope of the rule of *sub judice*, namely, that a matter whilst under adjudication by a court of law, should not be brought before the House by a motion or otherwise (except by means of a Bill) in relation to parliamentary proceedings?
- (iii) The extent of independence of State Legislature Secretariats from the Executive
- (iv) The proposed Indian Parliamentary Service

2. Discussion on the implications of the judgement dated 30 July, 1968 of the Supreme Court relating to the Punjab Appropriation Act, etc., insofar as the Presiding Officers and Legislatures are concerned

3. Consideration of the Draft Rules prepared by the Lok Sabha Secretariat in pursuance of the decisions taken at the Emergent Conference of Presiding Officers held in New Delhi in April, 1968.

PANAJI

(30-31 December, 1969)

1. ALLEGATIONS

Allegations raised on the floor of the House by members without proper notice to the Speaker and in contravention of the specific rules contained in the Rules of Procedure—whether there is any method to effectively curb the tendency (which seems to be steadily growing among the members) without resorting to the extreme measure of expunging the proceedings? (*Kerala Assembly*)

2. ZERO HOUR

(a) Whether specific rules should be framed defining the Zero Hour and what matters should be raised by the members at such Hour? (*Bihar Council*)

(b) The frequent raising of matters without notice after Question Hour in Parliament and State Legislatures resulting in dislocation in transacting the appointed business of the day and the steps to be taken to obviate the same by amendment of rules or otherwise (*Mysore Legislature*)

3. UNPARLIAMENTARY EXPRESSIONS

Is it possible to evolve some guiding principles:

(i) for declaring certain words and expressions as unparliamentary,

(ii) for deciding as to whether the words and expressions declared as unparliamentary should be ordered to be expunged from the record of the proceedings, and

(iii) for deciding as to whether any, and if so, what action should be taken against a member who, after using the unparliamentary expression, refuses to withdraw the same? *(Gujarat Assembly)*

4. OPPOSITION PARTIES—FACILITIES

Recognition of Opposition Parties and Groups—whether parties which extend 'responsive co-operation' to Government be given all the privileges and facilities usually given to the Opposition? (*Kerala Assembly*)

5. HOUSE—CALLING OF POLICE INSIDE

Is there any necessity or justification for calling police inside the House (with special reference to the incident in the U.P. Assembly)? (*Rajasthan Assembly*)

6. CONSTITUTION AMENDMENT—RATIFICATION

What should be the correct procedure for ratification of Constitution Amendment by State Assemblies under article 368 of the Constitution? (*Nagaland Assembly*)

7. UNION TERRITORY ASSEMBLY, SECRETARIAT

Whether Legislative Assemblies in Union territories can legislate on recruitment and conditions of services of the Staff of the Legislative Assembly Secretariat? (*Tripura Assembly*)

8. MINISTER—CENSURE

Where a Minister, against whom a notice of a motion of censure is given, resigns, whether any rights of the House are affected when after sometime he is again taken in the Ministry and when the House has not considered the motion and given an opinion about the allegations? (*Rajasthan Assembly*)

SRINAGAR

(15-16 July, 1970)

1. EXTENT OF IMMUNITIES OF MEMBERS

Whether courts can issue any requests, notices or summons to members of Parliament or members of State Legislatures in respect of anything said or done by a member on the floor of the House, in view of their immunity from any proceedings in any court in respect thereof under articles 105/194 of the Constitution and whether the concerned members should appear in the court if they receive such a request, notice or summons from a court? (*Lok Sabha*)

2. LEGISLATORS—'DHARNA' BY

(a) There is a growing tendency among the legislators to sit on *dharna* inside and outside the Legislature Chamber. It is, therefore, necessary to consider its legal and constitutional aspects as also the position from the point of view of traditions of parliamentary democracy (With special reference to the staging of *dharna* in Rajasthan Assembly by members of the Opposition)

(b) Should daily allowance be paid to members sitting on *dharna* for that period? (*Rajasthan Assembly*)

3. ALLEGATION AGAINST MINISTER

If there is any allegation against an individual Minister and *prima facie* there is a case and the Opposition presses for an enquiry to be made into the allegations, whether that enquiry should be conducted by a Committee of the House to be appointed by the Speaker or the Speaker should refer the matter to the Chief Minister with a request to cause an enquiry into the allegations and report to the House? (*Assam Assembly*)

4. PENSION FOR PRESIDING OFFICERS

The desirability of the Presiding Officers and Deputy Presiding Officers being paid pension on retirement (*Tamil Nadu Council*)

5. RESOLUTION FOR AMENDMENT OF CONSTITUTION

Whether a State Legislative Assembly is competent to discuss a Resolution proposing amendment in the Constitution? (*Orissa Assembly*)

6. LEGISLATORS—TRAINING OF

(a) Whether there should be a parliamentary course for imparting training to the legislators in parliamentary procedure? If so, whether an Institute is required to be set up for the purpose?

(b) Whether frequent Seminars should be held in each State so that the members may get opportunity to exchange their views on the matters of parliamentary practice and procedure, etc.? (*Haryana Assembly*)

7. GOVERNOR'S ADDRESS

How an indictable offence committed by a stranger or the member of the House of Legislature is to be dealt with during the course of the Address by the Governor delivered under article 176(1) of the Constitution? Is the Rule 256 of the Rules of Procedure and Conduct of Business in the Bihar Vidhan Sabha *ultra vires* of the Constitution? (*Bihar Assembly*)

8. NO-CONFIDENCE MOTION IN COUNCIL OF MINISTERS

In view of the increasing number of No-Confidence Motions tabled in various State Legislatures, is it not desirable to lay down certain special conditions of admissibility of such motions, besides fulfilling the general condition laid down in the Rules of Procedure, *viz.*, leave of one-tenth of the total number of members in the House should be obtained? Such conditions may be that the specific cases of failure of the administration must be cited and the matters brought in the motion must not be such as can be discussed otherwise such as in debate on the Governor's Address or debate on the Budget Speech. (*Assam Assembly*)

9. ADJOURNMENT OF HOUSE

The propriety of abrupt adjournment of the House by the Presiding Officer. (*Delhi Metropolitan Council*)

10. ENQUIRY AGAINST GOVERNMENT OFFICIALS

When allegations of corruption and misuse of powers are brought before the House against an official of a Department of the Government and if the House is of the opinion that the Speaker be requested to make an enquiry and report to the House or the Government as the House suggests, should the Speaker accept such a responsibility; and if he accepts it, should the Government be bound by his report? (*Rajasthan Assembly*)

11. MOTIONS

Identical motion — motion to take a report into consideration tabled earlier by a private member — identical motion tabled by the Leader of the House later — which of the two motions should be permitted to be moved in the House? (*Bihar Assembly*)

BHOPAL

(27-28 October, 1971)

1. PRESIDING OFFICERS

(a) Who should look after the needs of the Speaker's constituency? (*Kerala Assembly*)

(b) What is the position of the Deputy Chairman of Legislative Council when the office of the Chairman is vacant in a State which is under President's Rule? (*Mysore Legislature*)

2. PRIVILEGES

Where a Judicial Magistrate fails to give intimation to the Presiding Officer about the conviction of a member, should the Legislature Secretariat ask the Judicial Magistrate directly for the reasons for not giving the intimation or should the High Court be approached to get the explanation of the concerned Judicial Magistrate? (*Maharashtra Legislature*)

3. LEADER OF THE OPPOSITION

What should be the status of, and what facilities afforded to, the Leader of the Opposition, who has been formally so recognised, in either House of Parliament or State Legislature? (*Delhi Metropolitan Council*)

4. DEPUTY SPEAKER

How the dual role of the Deputy Speaker—his rights and duties as a member and responsibilities and limitations as a Presiding Officer—is to be reconciled? (*Kerala Assembly*)

5. PROCEEDINGS OF THE HOUSE

Whether the Presiding Officer has power to order the Official Reporters not to record the proceedings of the House at any particular point of time? (*Mysore Legislature*)

6. LEGISLATION

Is it desirable or proper for the Speaker to order pre-publication of all Bills, on the request of the Government, thereby permitting the doing away with the stage of leave to introduce the Bills in the Assembly? (*Haryana Assembly*)

7. WALK-OUT

How should walk-out by a member or group of members of any party as a protest against (i) any action of the Government or (ii) a ruling given by the Chair, be dealt with? (*Delhi Metropolitan Council*)

Supplementary Agenda

1. OPPOSITION PARTIES—RECOGNITION

What should be the criteria for recognition of Opposition Parties in the context of new developing political situation in the country? (*Maharashtra Council*)

MADRAS

(5-7 October, 1972)

1. PRIVILEGES

Whether violation of the ruling of the Speaker that it was not proper for Ministers to make policy statements outside the House when the House was in session, should be treated as breach of privilege? (*Andhra Pradesh Assembly*)

2. PUBLIC ACCOUNTS COMMITTEE

Is it binding on the Speaker to appoint a member of the Opposition Party or Group as Chairman of the Public Accounts Committee? (*Nagaland Assembly*)

3. OATH OR AFFIRMATION

(a) After the General Elections, should all the newly elected members of the Assembly be sworn in outside the Assembly Chamber or in the Chamber of the Speaker before any person appointed by the Governor under article 188 of the Constitution of India?

(b) Can the Governor under article 188 of the Constitution of India appoint a non-member or Advocate-General to administer the oath to the members of the newly constituted Assembly? (*Haryana Assembly*)

4. PARLIAMENTARY COMMITTEES

In view of the recommendations contained in the Report of the Committee of Presiding Officers (para 60) adopted in the Conference held at Trivandrum in October, 1968, is it desirable for Parliamentary Committees to hold their sittings outside the precincts of the Legislature or to undertake tours outside or inside the State? (*Orissa Assembly*)

5. REPORTS OF THE COMPTROLLER AND AUDITOR-GENERAL

Whether there is any prohibition against the discussion of matter referred to in the Reports of the Comptroller and Auditor-General of India on the accounts of the State? (*Assam Assembly*)

6. ADJOURNMENT OF HOUSE

Can the House be adjourned in the absence of Ministers? (*Delhi Metropolitan Council*)

7. LEGISLATION

- (i) When a Bill as passed by the Legislature is reserved by the Governor for the consideration and assent of the President, can the President keep the Bill pending at his hands for an indefinite period of time without expressing his mind?
- (ii) Is it not necessary to amend the Constitution in this regard? (*Andhra Pradesh Council*)

Supplementary Agenda

1. MEMBERS OF OPPOSITION

Is it proper for the members of the Opposition to resign *en bloc* from all the Assembly Committees to which they have been elected by the House or nominated by the Speaker after having given their prior consent, and if they resign *en bloc,* what action should be taken? (*Nagaland Assembly*)

2. MINISTERS

How should the Speaker deal with the situation when without informing the Speaker, a Minister is absent from the House to answer the Question put by a member on the floor of the House and also there is no other Minister ready and willing to answer on his behalf? (*Andhra Pradesh Assembly*)

GANDHINAGAR

(29 and 31 December, 1973)

1. ORDINANCE

Desirability of imposition of taxes or duties through Ordinances (*Lok Sabha*)

2. PRESIDING OFFICERS

Whether the Speaker should be the Chairman of any Committee of the House? (*Gujarat Assembly*)

3. ADJOURNMENT MOTIONS

Whether there can be Adjournment Motions in the Upper House? (*Maharashtra Legislature*)

4. ASSEMBLY RECORDS

What stand should be taken by the Speaker in regard to summons received by him from the High Court on a *habeas corpus* writ petition relating to sentence of imprisonment passed by the House against some visitors for having disturbed the proceedings of the House? (*Rajasthan Assembly*)

5. PARLIAMENTARY COMMITTEES

Can the Speaker appoint an Assembly Committee to investigate and report on a matter of public importance brought to the knowledge of the House? (*West Bengal Assembly*)

6. LEADER OF THE OPPOSITION

Whether it is incumbent upon the Speaker to derecognise the Leader of the Opposition during suspension of a Legislature under article 356 of the Constitution? (*Uttar Pradesh Assembly*)

7. ORDINANCE

Whether an Ordinance could be issued by the Governor in a case where a Bill containing identical provisions has been passed by the Legislative Assembly and the Legislative Council has referred the same Bill to a Select Committee and the Bill is under consideration of the Select Committee? (*Karnataka Legislature*)

8. LEGISLATION

What are the circumstances in which amendment mentioned in article 207(1) of the Constitution requires pervious sanction or recommendation of the President or Governor to move in the House independently of the sanction or recommendation given to the Bill? Whether same procedure applies to the amendments that may be moved in respect of Bills mentioned in article 207(3)? (*Assam Assembly*)

9. JOINT/SELECT COMMITTEES

Rule 165 (4) of Rules of Procedure and Conduct of Business in the Bihar Legislative Council reads as follows:

> "The Minister-in-charge of the Department to which the Bill relates and the member who has introduced the Bill shall be members of every Joint/Select Committee. The Minister shall be Chairman of the Committee and in his absence from any meeting the members present may select one from among their number to be the Chairman of that meeting. The Chairman shall have only a single vote, and if the votes are equal, the question shall be decided in the negative."

If the portfolio of a Minister who was member of a Joint/Select Committee on account of his having been the member-in-charge of a Bill is changed, whether the new Minister-in-charge of the Department to which the Bill relates an automatically become a member of the Joint/Select Committee, thereby increasing the strength of the Committee beyond the number fixed in the original motion adopted by the House? (*Bihar Council*)

10. LEGISLATION

Whether leave of the House to introduce a Money Bill initiated by a private member can be refused even though the necessary recommendation of the Governor for its introduction in and consideration by the Legislature is duly obtained with the prior approval of the Finance Department? (*Meghalaya Assembly*)

11. LEGISLATURE SECRETARIAT

(a) Consideration and adoption of Report of the Committee of Presiding Officers on Draft Rules prepared in pursuance of the decisions taken at the Emergent Conference of Presiding Officers held in New Delhi in April, 1968, etc. (*Leuva Committee Report—1971—Con. No. 228*)

(b) Consideration and adoption of Report of the Committee of Presiding Officers on 'Future Pattern of Conference of Presiding Officers' (*Leuva Committee Report—1971—Con. No. 236*)

12. AUDIT REPORTS

What measures should be evolved in order to avoid delay in the transmission of Audit Reports to the Legislature? (*Kerala Assembly*)

SHILLONG

(5 and 7 November, 1974)

1. PERSONAL EXPLANATION

If a member in his reply to the debate on any Motion, Resolution, etc., moved by him introduces new matters and makes allegations against another members or a Minister, should the other member or Minister, as the case may be, be allowed to make a personal explanation after the member's reply is concluded without giving to the Speaker a copy of his personal explanation in advance, as it may not be feasible for him to do so, if he seeks to make a verbal statement? (*Lok Sabha*)

2. PRESS REPORTS OF PROCEEDINGS

It a member speaks without the permission of the Chair and those proceedings are not recorded in the debates of the House but the Press reports the same, what action should be taken against the Press? (*Lok Sabha*)

3. REPORTED STATEMENT BY MEMBER

If a statement allegedly made by a member is published in the Press but is denied by the member in the House, what action should be taken against the Press? (*Lok Sabha*)

4. REPORT OR DOCUMENT OF COMMISSION OR COMMITTEE

What is the position of any report or document of a Commission or Committee appointed by Government which is purported to be laid on the Table of the House by a private member saying that it is the report or document of a Commission or Committee? (*Lok Sabha*)

5. DEBATES

Whether a report of the Commission of Inquiry presided over by a serving or a retired Judge should be allowed to be discussed in detail in the State Legislature or whether the debate should be confined only to the action taken by Government on such report? (*Maharashtra Legislature*)

6. COMMITTEE TO ENQUIRE INTO ALLEGATIONS

Whether the Speaker should accede to the request of the Opposition members to constitute Committees to enquire into the allegations made by them? (*Karnataka Legislature*)

7. RESIGNATION BY MEMBER

What meaning should be given to the word "genuine" for the purpose of action under the proviso to article 101 (3) or 190 (3) of the Constitution? (*Gujarat Assembly*)

8. QUESTIONS

At what time of the day's sitting should the Questions held over for answer on account of Minister's inability to reply on the previously appointed dates, be taken up? Should any limit of time be fixed for disposing of this category of Questions? (*West Bengal Assembly*)

9. PRIVILEGES

Whether any reflection on the conduct and character of member or Presiding Officer of a House, though not connected will the proceedings, would constitute a breach of privilege or contempt of the House and whether such reflection can be referred to and examined by the Privileges Committee? (*Uttar Pradesh Assembly*)

10. PRIVATE MEMBER'S BILL

What will be the procedure when the Deputy Speaker, having sponsored a Private Member's Bill, has to introduce it at a time when the Speaker is absent? (*Delhi Metropolitan Council*)

11. JOINT COMMITTEES

(i) Whether a member of the Joint/Select Committee on a Bill can give a minute of dissent at the time of the approval of the draft report of the Committee when the report of the Committee records unanimous conclusions?

(ii) If such a minute of dissent is allowed and appended to the report, can the Speaker/Chairman direct such a minute of dissent to be deleted? (*Maharashtra Legislature*)

12. PRIVATE MEMBER'S BILL

What is the appropriate stage at which a Bill introduced by a private member should be published? (*West Bengal Assembly*)

NEW DELHI

(23-24 August, 1975)

1. Need for special procedure in Legislatures during Emergency
2. Matters relating to Commonwealth Parliamentary Conference to be held in New Delhi.

SIMLA

(31 May–1 June, 1976)

1. ORDINANCE

The propriety of issuing an Ordinance when one of the Houses of a bicameral Legislature is in session before introducing the Bill on the subject in that House (*Lok Sabha*)

2. NON-PUBLICITY OF SPEECH IN NEWSPAPERS

What action the Presiding Officers should take when a member complains that there was no mention in newspapers about his speech made in the House? (*Lok Sabha*)

3. PARLIAMENTARY COMMITTEES

Role of the Estimates Committee in relation to the examination of the current Budget Estimates before they are voted upon by the House (*Maharashtra Legislature*)

4. QUORUM

Whether any change in the Rules of Procedure and Conduct of Business in the Legislature is necessary to ensure quorum of the House and if so, what changes should be made therein? (*West Bengal Assembly*)

5. ASSURANCES

Whether Assurances should be culled out from Governor's Address and Budget Speech for the purpose of being pursued by the Committee on Government Assurances? (*Bihar Assembly*)

6. PRIVILEGES

Is it not desirable that in matters of powers, privileges and immunities of Parliament, State Legislatures and their members, as conferred by articles 105 and 194 of the Constitution, reference to the House of Commons of the Parliament of the United Kingdom be deleted from these articles? (*Uttar Pradesh Vidhan Parishad*)

7. DEPUTY SPEAKER

Whether Deputy Speaker should continue in office like the Speaker even after dissolution of the Assembly? (*Andhra Pradesh Assembly*)

8. MEMBERS

What facilities are to be rendered to the members detained in prison for the discharge of their duties? (*Kerala Assembly*)

9. RESOLUTION EMPOWERING PARLIAMENT TO LEGISLATE FOR STATES

Whether a resolution passed by the Legislature of a State under article 252 of the Constitution, authorising Parliament to regulate by law any matter with respect to which Parliament has no power to make laws, can be rescinded by that Legislature if Parliament does not enact any law in the matter within a reasonable time? (*Maharashtra Legislature*)

10. EXCESS GRANT

What should be the exact procedure for voting on Demand for Excess Grant of a preceding year on the recommendation of the Committee on Public Accounts? Should there be any cut motion with regard to such Demand although this is only regularisation of expenditure already incurred? (*West Bengal Assembly*)

11. PROCEEDINGS OF THE HOUSE

Whether copy of proceedings of the House should be given to *Lokayukta*? (*Bihar Assembly*)

12. QUESTIONS

Whether Questions should be allowed to be asked in the House regarding matters pertaining to local importance or particular groups or persons? (*Uttar Pradesh Vidhan Parishad*)

13. DIVISION

In a case where at the closing hour of the sitting of the House when discussion on an amendment to a Bill was over, the amendment was put to vote, division claimed thereon and granted by the Chair, but at that stage, the House was adjourned on account of the absence of the Minister, the Chair having declared that the division would take place the next day:

(i) from what stage, the process of voting should start on the next day, *i.e., de novo* from the stage of taking voice vote or from the stage of proceeding with the division since voice vote was already taken on the previous day, and

(ii) whether only members who were present on the earlier day when the division was granted or members who were present the next day when the division actually takes place are entitled to vote? (*Maharashtra Legislature*)

14. DUTIES OF SPEAKER

How the duties attached to the Office of the Speaker shall be carried on in case the Speaker resigns or dies or is otherwise incapacitated during the period of dissolution of the Assembly? (*West Bengal Assembly*)

15. BUSINESS ADVISORY COMMITTEE

Whether the Business Advisory Committee Report should be presented to the House by the Speaker as Chairman of the Committee or by the Minister for Parliamentary Affairs? (*West Bengal Assembly*)

Supplementary Agenda

1. PRESIDING OFFICERS

Whether a Committee of the House can be constituted to enquire into the administrative decisions and the orders of a Presiding Officer soon after the demitting of his office? (*Uttar Pradesh Vidhan Parishad*)

BHUBANESWAR

(19-20 January, 1978)

1. DISCUSSION ON MATTER *SUB JUDICE*

(a) What should be scope for:

  (i) seeking information through a Question so as to make maximum use of available time,

  (ii) raising discussion through a Motion, Resolution, Bill, etc., on a matter pending before:

    (I) Court of Law,

    (II) Commission or Court of Enquiry,

    (III) Statutory tribunal or statutory authority performing any judicial or quasi-judicial function? (*Lok Sabha*)

2. LEGISLATURE SECRETARIAT

Need to invest the Speaker with powers of appointing the Secretary and other staff of State Legislature Secretariat to ensure its independence (*Haryana Vidhan Sabha, Nagaland Assembly, Gujarat Assembly & Arunachal Pradesh Assembly*)

3. SPEAKER

(a) What should be the conventions for the Speaker:

  (i) taking part in election campaign for Parliament, State Legislatures, Local Bodies etc.,

  (ii) receiving and seeing off leaders of political parties, and

  (iii) attending any function held by or in the premises of a political party?

(b) Non-party character of the Speaker (*Gujarat Assembly & Maharashtra Legislature*)

4. ADJOURNMENT MOTIONS

(a) Should a member be permitted as a matter of course to refer in the House to his notice of Adjournment Motion and plead for its admissibility even before the Speaker had taken a decision thereon?

(b) What opportunities should be provided to members to raise matters in the House on which notices of Adjournment Motion have been given but which cannot be the subject matter of an Adjournment Motion? (*Tamil Nadu Assembly*)

5. CENSURE MOTION

Is it necessary to have separate rules in the Rules of Procedure for dealing with the notices of Censure Motion against the Government? (*West Bengal Assembly*)

6. DISCUSSION ON MOTION OF THANKS AND BUDGET

(a) (i) What should be the fate of discussion on (a) Motion of Thanks on Governor's Address; and (b) Budget, in the event of resignation by the previous Government and formation of Government by a party formerly in Opposition?

(ii) Whether article 202 of the Constitution permits presentation of the Annual Financial Statement of the State Government in respect of a financial year on more than one occasion within a year? (*Gujarat Assembly & West Bengal Assembly*)

(b) Since in practice almost same matters are discussed on (i) the Motion of Thanks on Governor's Address, (ii) General Discussion on Budget, and (iii) Discussion on Demands for Grants and Appropriation Bill, is it desirable to dispense with discussion on the Motion of Thanks on the Governor's Address in order to avoid repetition and save time of the House? (*Gujarat Assembly*)

7. AMENDMENTS TO BILLS

When a Bill is returned with a message by the Governor under articles 200 and 201 of the Constitution for reconsideration of certain provisions of the Bill, are the members entitled to move amendments to the entire Bill or only to the clauses referred to in the message? (*Andhra Pradesh Legislature*)

8. PRIVILEGES

Whether it is desirable to suspend the operation of the provisions of article 194 of the Constitution on the issue of Proclamation under article 356, in respect of a State having a Legislative Council? (*U.P. Vidhan Parishad*)

9. ISSUE OF WHIP

Is it desirable for parties to issue whip to their members serving on a Parliamentary Committee with regard to a matter under the consideration of that Committee? (*Karnataka Legislature*)

10. SUBORDINATE LEGISLATION

Need for co-ordination between the Committees on Subordinate Legislation of Parliament and State Legislatures for scrutiny of rules, regulations, etc., framed by State Government under the delegated powers conferred by or under various Central Acts (*Lok Sabha & Tamil Nadu Assembly*)

11. FINANCIAL COMMITTEES

Is it desirable for the Chairman of a Financial Committee to take part in the proceedings of other Financial Committees as a matter of course or he should be invited only when there is special need? (*U.P. Vidhan Sabha*)

JAIPUR

(21-22 October, 1978)

1. SPEAKER

How far is it desirable for a Speaker to attend Legislature party meeting and cast his vote in the election of the Leader of the House? (*Haryana Vidhan Sabha*)

2. PRE-LEGISLATION SCRUTINY

Need for pre-legislation scrutiny of legislation by a Standing Committee of the Legislature (*Maharashtra Assembly*)

3. MONEY BILLS

Whether a Money Bill shall be deemed to have been passed by bot Houses under article 198(5) of the Constitution if that Bill has been passe by the Legislative Assembly and transmitted to the Legislative Counc but could not be considered by the Council owing to its session being adjourned and later prorogued? (*Bihar Vidhan Sabha*)

4. CHAIRMEN OF PARLIAMENTARY COMMITTEES

What should be the status and protocol of the Chairmen of Parliamentary Committees of State Legislatures and what amenities should be provided to them? (*U.P. Vidhan Sabha*)

5. ZERO HOUR

Whether specific rule should be framed defining the Zero Hour, including the matters which can be raised by the members at such hour or Zero Hour should be dispensed with? (*Tripura Assembly*)

BANGALORE

(17-18 January, 1981)

1. DEBATES

The role of Presiding Officers in regulating the debate in the House (*Andhra Pradesh Council*)

2. ORDINANCE

(i) Whether there is a need of taking positive steps to impose a check over the rising tendency of running the Government by promulgating Ordinances?

(ii) Is it not an abuse of the provisions contained in article 213 of the Constitution? (*Bihar Assembly*)

3. ADJOURNMENT OF HOUSE

The necessity of incorporating the decisions arrived at in the Emergent Conference of the Presiding Officers held a New Delhi on 6 and 7 April, 1968 by bringing in appropriate amendments to the Rules of Procedure and Conduct of Business of the Legislative Assemblies (*Himachal Pradesh Vidhan Sabha*)

4. JUDGES

To what extend restrictions should be put on discussions in the Legislature about the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties? (*Karnataka Legislature*)

5. COMMITTEE SYSTEM

(a) How to make Committee system more purposeful and effective? (*Rajasthan Assembly*)

(b) Experience of Kerala Assembly in the working of Subject Committees (*Kerala Assembly*)

6. NO-CONFIDENCE MOTION

When the House has got an opportunity to vote down the Motion of Thanks for the Address by the Governor or during the discussion and voting on Demands for Grants, should a notice of no-confidence against the Ministry be admitted and discussed? Further, whether it is proper to allow No-Confidence Motion during every session? (*Tamil Nadu Assembly*)

7. PRIVILEGES

What procedure should be adopted for dealing with a matter of breach of privilege or contempt of the House committed by a Minister on the floor of the House where the Minister is a member of the other House or is not a member of either House of Legislature? (*U.P. Vidhan Parishad*)

8. UNION-TERRITORY LEGISLATURE SECRETARIAT

Independent Legislature Secretariat for Union territories (*Pondicherry Assembly, Arunachal Pradesh Assembly & Mizoram Assembly*)

9. LEGISLATURE SECRETARIAT—STAFFING PATTERN

What has been the progress in the implementation of the recommendation in Part-I of the Report relating to the Staffing Pattern since it was discussed last in the Presiding Officer Conference held at Bhubaneswar in January, 1978? (*U.P. Vidhan Sabha*)

10. MEMBERS

What steps should be taken to prevent the recurrence of recent events, agitational behaviour of members on different issues and blocking the normal functioning of the House? (*Bihar Assembly*)

11. RULES OF PROCEDURE AND CONDUCT OF BUSINESS

Is the existing infrastructure of Rules of Procedure and Conduct of Business in the Legislatures adequate to meet the challenge of the modern times? If not, what steps should be taken to remodel it? (*Rajasthan Assembly*)

HYDERABAD

(28-29 December, 1981)

1. QUESTIONS

Should there be any guiding principles for the Government to refuse to supply information asked for in a Question, which has been admitted by the Speaker, on the ground that it would not be in public interest to disclose the required information? Whether the Speaker should interfere in case the privilege is misused? (*Uttar Pradesh Vidhan Sabha*)

2. BILLS

(a) Whether a Bill containing proposals for imposition of Sales Tax (in respect of which a reference has been made in the Budget Speech) can be passed before passing of the Budget itself? (*Maharashtra Assembly*)

(b) When a repeal and saving clause of a Bill, replacing on Ordinance, mentions the repeal of previous Ordinance and not the latest one promulgated subsequently:

  (i) Whether the Bill in question can be said to be out of order on that ground?

  (ii) Whether the said lacunae of the Bill can be removed by the Council Secretariat under the authority of the Chairman, after the Bill being passed, as consequential amendment under Rule 145 of the Rules of Procedure and Conduct of Business in the Bihar Legislative Council which reads as follows:

  "Authentication of Bills—when a Bill is passed by the Council, the Secretary shall, if necessary, revise and complete the marginal notes and renumber the clauses thereof and make such purely formal and consequential amendments therein as may be required and correct the typographical errors, if any, and shall submit a copy thereof to the Chairman for his approval and signature"? (*Bihar Council*)

3. PRIVILEGES

Can a motion of privilege referred by the House or the Speaker to the Committee of Privileges be sustained after the dissolution of the House even if the new House has not specifically directed or authorised the Committee of Privileges to examine and report on the motion? (*Rajasthan Assembly*)

4. COMMITTEES

(a) Procedure on how to deal with the unfinished work of a Committee on the dissolution of House (*Tripura Assembly*)

(b) What positive steps should be taken in the event of non-implementation of recommendations contained in the reports of different Parliamentary Committees which remain pending for years? (*Bihar Vidhan Sabha*)

(c) What effective procedure a Parliamentary Committee should adopt in case of unresolved differences between the Committee and the Government in respect to implementation of certain recommendations contained in the report? (*Bihar Vidhan Sabha*)

(d) Desirability of constituting a Standing Committee to examine the legislative measures before these are introduced in the House (*Jammu & Kashmir Assembly*)

5. MEMBERS

Need of voluntary code of conduct to ensure proper functioning of Parliament and State Legislatures (*Meghalaya Assembly*)

6. DEBATES

What are the norms to be followed by the Presiding Officers in regard to expunction from the proceedings of the House? (*Tamil Nadu Assembly*)

7. ADJOURNMENT OF HOUSE

Whether the Assembly which was adjourned *sine die* and subsequently put in animated suspension by a Proclamation of the President under article 356 of the Constitution shall be treated as prorogued or to have effect of having been prorogued? (*Manipur Assembly*)

PATNA

(7-8 November, 1982)

1. SPEAKER

(a) Whether the Presiding Officer should head any Commission or Committee appointed by Government? (*Maharashtra Assembly*)

(b) Need to establish a convention to the effect that the seat from which the Speaker stands for election or re-election to the House should not be contested in the elections (*Punjab Vidhan Sabha*)

2. SPEAKER'S CONSTITUENCY

Speaker—his constituency to be nursed by whom? The role of the political parties when agitation is done by them in his constituency (*Madhya Pradesh Vidhan Sabha*)

3. QUESTIONS

Feasibility of imposing restrictions on supplementaries to Questions (*Jammu & Kashmir Assembly*)

4. BILLS

Can a State Legislative Assembly adopt a motion recommending to President not to assent to a Bill passed by another State Legislature? (*Bihar Vidhan Sabha*)

5. COMMITTEES

Whether a Committee of a State Legislature can call an officer of the Central Government or a Central Public Undertaking to give oral evidence before the Committee? (*Andhra Pradesh Assembly*)

6. LEADER OF OPPOSITION

What should be the guidelines for the Presiding Officers to recognise Leader of the Opposition in the House? (*Bihar Vidhan Sabha*)

BOMBAY

(2-3 January, 1984)

1. SPEAKER

For enjoying the confidence of the entire House, will it not be sound if the removal of the Speaker from his office is made possible by a resolution of the Assembly passed by a majority of the total membership of the Assembly and by a majority of not less than two-thirds of the members of the Assembly present and voting? (*Pondicherry Assembly*)

2. PRIVILEGES

Whether a member of a State Legislature commits a breach of privilege in respect of the other House, the subject-matter of which is not in any way connected with the business of the House to which he belongs and also not while performing his duties as member in the House? What are the norms to followed in dealing with such cases? (*Tamil Nadu Assembly*)

3. COMMITTEES

(i) Speaker's power to appoint a special Committee of the House on a request from the Chief Minister or a member of the Council of Ministers or a member of the House to enquire into the allegations of special nature made outside the House when the House is not in session and in the absence of specific provisions in the Rules of Procedure and Precedents for the appointment of such a Committee, and

(ii) Whether the Speaker has the discretion to constitute such a Committee with reference to the merits of the matter by exercising his residuary powers? (*Karnataka Legislature*)

4. JURISDICTION OF COURTS

(a) What is the precise scope of clause (2) of article 212 of the Constitution? If the Speaker issues an order pursuant to his powers in relation to the conduct of a session of the Legislature, maintenance of security in the Chamber, admission of strangers, including pressmen, to the Galleries, or any other connected matter:

(i) Can such an order be questioned in a court of law, and

(ii) If a court entertains an application questioning such order and issues notice to the Speaker, what course of action should the Speaker take? (*Kerala Assembly*)

5. RULES OF PROCEDURE

Need for a uniform set of Rules of Procedures and Conduct of Business in all the Legislatures in the country (*Delhi Metropolitan Council*)

6. LEGISLATURE AND JUDICIARY

The relation of the Legislature with the Judiciary with special reference to Fundamental Rights as enshrined in the Constitution and parliamentary privileges (*Tripura Assembly*)

7. DISCRETIONARY FUND

Discretionary Fund for the Presiding Officers. (*Lok Sabha*)

NEW DELHI

(25 April, 1984)

(Emergent Conference)

1. PRIVILEGES

Issues arising out of the Privileges cases pending in the Supreme Court.

CALCUTTA

(29-30 October, 1984)

1. SELECT COMMITTEES

When a Minister is presiding as Chairman at a meeting of the Select Committee in which he is not entitled to vote for not being a member of the House, how can any question in the Select Committee be decided when there is an equality of votes on any question? (*Bihar Vidhan Sabha*)

2. LEGISLATURES

Improving the effectiveness of the Legislatures in the changing milieu (*West Bengal Assembly*)

3. BUDGET

Whether in order to make the Annual Budget debate effective and purposeful, *ad hoc* Budget Committees of the House may be constituted to which the Budget, after being presented in the House, be referred for scrutiny and report within a stipulated period during which the House may not meet, with the rider that such a procedure will not curtail the discussion on Demands for Grants in the House as is the practice at present? (*Rajasthan Assembly*)

4. PRIVILEGES

Privileges of the Legislature and the Press (*West Bengal Assembly*)

5. COMMITTEE ON PUBLIC UNDERTAKINGS

Whether the Public Undertakings Committee can scrutinize the financial affairs and examine the working of the commercial unit run in the cooperative sector where major finances involved are of the Government? (*Punjab Vidhan Sabha*)

6. PRESIDING OFFICERS' CONFERENCE

Need for constituting a Committee of Presiding Officers at each Conference to report to the next Conference on the follow-up action pursuant to decision/consensus points at the Conference (*Himachal Pradesh Vidhan Sabha*)

7. ALL INDIA PRESIDING OFFICERS FORUM

Whereas since over half a century, the Conference of Presiding Officers of Legislative Bodies in India is being held annually at different States offering to host the same.

And whereas the smaller States because of their financial constraints find it difficult to host such a Conference and thus suffer from absence of deprivation of opportunity to have such Conferences held in their States.

Now, therefore, it is resolved that:

(i) An association of all the Presiding officers be formed—styled as "All India Presiding Officers Forum" with the Speaker, Lok Sabha as its Chairman,

(ii) That a fund be constituted by annual contributions from different States and the Centre at such rates as may be fixed by the Conference in consultation with the respective Legislatures and the required expenses for the annual Conferences and the cost of administration of the activities of the Forum shall be wholly met out of that fund, and

(iii) That the Speaker, Lok Sabha shall be the Chairman of all the Conferences and the Secretary-General, Lok Sabha shall function as Secretary to that Forum and Conference Branch of the Lok Sabha Secretariat, as at present, will help the Chairman in the matter of discharge of the functions of the Conference and the administration of the Forum. (*West Bengal Assembly*)

LUCKNOW

(26-27 October, 1985)

1. THE CONSTITUTION (FIFTY-SECOND AMENDMENT) ACT, 1985

The desirability of framing uniform rules by the Presiding Officers of State Legislatures under paragraph 8 of the Tenth Schedule on the lines of the rules framed by the Speaker, Lok Sabha (*Lok Sabha*)

2. COMMITTEE SYSTEM

Consideration and adoption of Report of the Committee of Presiding Officers on "Committee System" (Con. No. 423)

3. OATH OR AFFIRMATION BY MEMBERS

How long a member, duly elected to the Assembly and notified as such by the Election Commission under section 73 of the Representation of the People Act, 1951, can continue without making and subscribing an Oath or Affirmation under article 188 of the Constitution? (*Bihar Vidhan Sabha*)

4. COMMITTEE OF PRIVILEGES

Whether a Minister should be appointed as Chairman of the Committee of Privileges? (*Kerala Assembly*)

5. SUSPENSION OF MEMBERS

Should the Speaker have the power not only to name a member who disregards the authority of the Chair or abuses the rules of the House by persistently and wilfully obstructing the business thereof, but also to suspend him from the service of the House for a specified period? (*Uttar Pradesh Vidhan Sabha*)

DELHI

(21-22 October, 1986)

1. *PRO TEM* PRESIDING OFFICER

Can there be notice of a Resolution for removal of *pro tem* Presiding Officer of a Legislative Body? (*Karnataka Legislature*)

2. CONSTITUTION (FIFTY-SECOND) AMENDMENT ACT

Effect of Act on expulsion of a member from the party on whose ticket he was elected (*Manipur Assembly*)

3. REFERENCE AND INFORMATION SERVICE

Desirability of developing an integrated computerised National Information Grid to cater to Legislators' references (*Madhya Pradesh Vidhan Sabha*)

4. PARLIAMENTARY CONTROL OVER PUBLIC FINANCE

Financial accountability of Government-aided autonomous organisations to Parliament (*Rajasthan Assembly*)

5. UNIFORM SALARIES & AMENITIES FOR MEMBERS/PRESIDING OFFICERS IN STATES/UNION TERRITORIES

Desirability of uniform salary, allowances and other amenities tc Presiding Officers of Legislatures of States and Union territories and M.L.As (*Madhya Pradesh Vidhan Sabha*)

6. SITTINGS OF LEGISLATURE

(a) Need to enhance the number of sittings of State Legislatur (*Kerala Assembly*)

(b) Certain problems which have come up in the context of the events in Madhya Pradesh including minimum working days of State Legislatures. (*Madhya Pradesh Vidhan Sabha*)

SRINAGAR

(16-17 September, 1987)

1. MOTION RESCINDING DECISION OF THE HOUSE

Under what circumstances, a motion rescinding a decision of the House on question, as contemplated in the May's Parliamentary Practice, can be entertained? (*Orissa Assembly*)

2. PRIVILEGES OF PARLIAMENTARY COMMITTEES

Whether Committee of the House, while on tour for on-the-spot study of a subject, should enjoy the privileges contemplated under article 194 of the Constitution and if not, how any obstruction offered while discharging its responsibilities can be dealt with? (*Orissa Assembly*)

3. CONSTITUTION (FIFTY-SECOND) AMENDMENT ACT

Whether non-compliance of whip issued by a party to its members to file nomination papers for specified Financial Committee attract the provisions of the Constitution (Fifty-second Amendment) Act, 1985 and can a member be disqualified for this Act? (*Rajasthan Vidhan Sabha*)

4. RULES OF PROCEDURE

Consideration and adoption of the Report of the Committee of Presiding Officers on "Need for a uniform set of Rules of Procedure and Conduct of Business in all Legislatures in the country"

5. ALL INDIA PARLIAMENTARY SERVICE

Proposal for the formation of an All India Parliamentary Service (*Lok Sabha*)

6. MLA HOSTEL

Uniformity of Control of MLAs' Hostels. (*Lok Sabha*)

DISPUR

(20-21 January, 1989)

1. ALL INDIA PRESIDING OFFICERS FORUM

Consideration and adoption of the Report of the Committee of Presiding Officers on 'All India Presiding Officers Forum'

2. QUESTIONS

Whether parliamentary Questions should be allowed regarding the working of Public Undertakings in order to make their functioning more effective? (*Madhya Pradesh Vidhan Sabha*)

3. SUSPENSION OF A MEMBER

What option is there for a Presiding Officer when a motion for suspension of a member is not moved in spite of the fact that he has been named by the Chair for such defiance? (*Madhya Pradesh Vidhan Sabha*)

4. CODIFICATION OF PRIVILEGES

Necessity to codify the privileges granted under articles 105 and 194 of the Constitution (*Orissa Assembly*)

5. RESIGNATION BY MEMBER

If a member of a Legislature resigns his seat by writing under his hand addressed to the Presiding Officer and his seat thereupon is declared vacant by an order:

- (i) Can such an order be questioned in a court of law; and
- (ii) If a court entertains an application questioning such order and issues notice to the Presiding Officers, what course of action should the Presiding Officers take? (*Delhi Metropolitan Council*)

6. SECRETARIAT OF STATE LEGISLATURE

Independence of Legislature Secretariats as contemplated in article 187 of the Constitution of India. (*Andhra Pradesh Assembly*)

BHOPAL

(20-21 September, 1989)

1. CODIFICATION OF PRIVILEGES

The necessity of codifying the immunities and privileges of the members of the Parliament and State Legislatures with reference to the notice issued by the Supreme Court to the Speaker, Andhra Pradesh Legislative Assembly (*Kerala Assembly & Andhra Pradesh Assembly*)

2. MAJORITY IN THE HOUSE

The propriety of deciding the question of majority outside the House (*Kerala Assembly*)

3. CODE OF CONDUCT FOR LEGISLATORS

Duties and functions of legislators: need to evolve a code of conduct and laying down guidelines (*Madhya Pradesh Vidhan Sabha*)

4. LEGISLATURE SECRETARIAT

Autonomy of Legislature Secretariat in respect of creating new posts, recruitment of staff, administration and financial matters (*Gujarat Assembly*)

5. DURATION OF SESSIONS

Situation arising out of shrinking days of the sessions of Legislatures in India (*Delhi Metropolitan Council*)

6. OFFICE OF THE DEPUTY SPEAKER/DEPUTY CHAIRMAN

Constitutional position and status of the Deputy Speaker/Deputy Chairman of the Legislature (*West Bengal Assembly*)

7. CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE OF PRESIDING OFFICERS ON "ALL INDIA PRESIDING OFFICERS FORUM" (PART-I).

NEW DELHI

(11 February, 1992)

(Emergent Conference)

1. Anti-Defection Law
2. Relations between the Legislature and Judiciary.

GANDHINAGAR

(29-30 May, 1992)

1. Disorder and disturbances in the House at the time of Address by the President/Governors and measures to curb them (*West Bengal Assembly, Rajya Sabha, Kerala Assembly & Bihar Vidhan Sabha*)
2. Relationship between Legislature and Judiciary (*Bihar Vidhan Sabha & Tamil Nadu Assembly*)
3. Committee System (*Lok Sabha & Karnataka Assembly*)
4. Need to establish an institution to impart training in parliamentary practice and procedure to the staff of Legislature Secretariats and the newly elected members of Legislatures (*Maharashtra Assembly*)
5. Invoking of Anti-defection Law (*Uttar Pradesh Vidhan Sabha & Madhya Pradesh Vidhan Sabha*)
6. Accountability and stability of Government (*Gujarat Vidhan Sabha*)
7. Independence of Legislature Secretariats. (*Rajasthan Vidhan Sabha, Himachal Pradesh Vidhan Sabha, Orissa Assembly & Goa Assembly*)

MADRAS

(25-26 June, 1993)

1. SITTINGS OF THE HOUSE

The need to lay down constitutional limit for minimum number of sittings of Legislatures and minimum number of sessions (*Kerala Assembly & Rajasthan Assembly*)

2. PARLIAMENTARY PRIVILEGES

The need for a unanimous recommendation to the Government for making in-built provisions in the law for exempting the Presiding Officers from appearance in the courts (*Rajya Sabha*)

3. Shakdher Committee Report on inadequate response of the State Governments to the Audit Reports constituted by the C&AG.

BHUBANESWAR

(1-2 February, 1994)

1. PARLIAMENTARY SYSTEM

Steps to make parliamentary system more effective (*Bihar Vidhan Parishad*)

2. DECORUM IN THE HOUSE

Decorum in the House (*Bihar Vidhan Sabha*)

3. COMMITTEE OF PRESIDING OFFICERS

Consideration and adoption of the Report of the Committee of Presiding Officers on "Measures to promote harmonious relations between the Legislature and the judiciary".

NEW DELHI

(10-11 October, 1996)

1. FUNCTIONING OF LEGISLATURES

Need to create an atmosphere and functioning of present-day Legislatures conducive to the growth of democracy and to check the deterioration in the performance and behaviour of our legislators inside the House (*Delhi Legislative Assembly & Karnataka Legislative Council*)

2. COMMITTEE SYSTEM

Role and introduction of the Committee System in the Legislatures for parliamentary surveillance over Executive (*Karnataka Legislative Council*)

3. LEGISLATURE AND THE PRESS

Relationship between the Legislature and the Press (*Karnataka Legislative Council*)

4. TELECASTING OF PROCEEDINGS

Telecasting of the proceedings of the House. (*Himachal Pradesh Vidhan Sabha & Sikkim Legislative Assembly*)

SIMLA

(21-23 October, 1997)

1. PARLIAMENTARY DEMOCRACY

50 Years of parliamentary democracy in India (*Lok Sabha*)

2. DISCIPLINE AND DECORUM

Discipline and Decorum in the House. (*Himachal Pradesh Legislative Assembly*)

NEW DELHI

(22-24 September, 1998)

1. ANTI-DEFECTION LAW

Need to review the Tenth Schedule of the Constitution (*Meghalaya Legislative Assembly*)

2. PROCEDURAL REFORMS

Need for procedural reforms and better management of the time of the House. *(Andhra Pradesh Legislative Assembly, Rajasthan Vidhan Sabha, Gujarat Legislative Assembly & Uttar Pradesh Vidhan Sabha*)

HYDERABAD

(30-31 May, 2000)

1. MEMBERSHIP

Issues arising out of the so-called Dual Membership of Parliament—and/or State Legislatures (*Nagaland Legislative Assembly*)

2. LEGISLATURE, EXECUTIVE AND JUDICIARY

Relationship between the Legislature, the Executive and the Judiciary

3. OFFICE OF THE SPEAKER

Office of the Speaker in multi-party system

4. PRESIDING OFFICERS' CONFERENCE

Proposals regarding Future Pattern of Presiding Officers' Conference.

CHANDIGARH

(28-29 June, 2001)

1. CODE OF CONDUCT

Need to evolve a code of conduct for Legislators and steps to contain frequent adjournment of the Legislatures on account of interruptions/ disturbances (*Lok Sabha & Himachal Pradesh Vidhan Sabha*)

2. INFORMATION AND COMMUNICATION TECHNOLOGIES

Harnessing information and communication technologies in the Legislatures and need for strengthening of the Libraries, *inter alia,* with computer connectivity (*Lok Sabha & West Bengal Legislative Assembly*)

3. COMMITTEE OF PRESIDING OFFICERS

Consideration and adoption of the Report of the Committee of Presiding Officers of Legislative Bodies on "Procedural Uniformity and Better management of the Time of the House".

ANNEXURE IV

IMPORTANT RESOLUTIONS/DECISIONS/CONCLUSIONS REACHED AT THE CONFERENCES OF PRESIDING OFFICERS OF LEGISLATIVE BODIES IN INDIA [1921-2001]

September, 1921

CONFERENCE

1. All were agreed that it was desirable that the Conference should be held at regular intervals.

2. It was agreed that as the Legislative Councils and the Assembly were independent authorities within their own spheres, the Conference would be consultative and that its members were not bound by its decisions. At the same time, the Conference took the view that where substantial agreement was reached, the opinion of the Conference must then carry great weight, even with a wholly dissenting member.

DEBATES

3. It was agreed unanimously that a reference in debate to strangers in the gallery is most reprehensible and is out of order.

LEGISLATURE SECRETARIAT

4. It was most desirable that the Legislature should have its own body of officers to carry out its own functions.

5. It was agreed that, although constitutionally funds for Council work must be sanctioned by and provided by the Government, the Presidents should be placed in the same position as High Courts, *i.e.*, that they should be the sole judges as to whether the expenditure was necessary, the only power of criticism by the Government being on the point as to whether funds were available.

QUESTIONS

6. The Conference agreed that Questions relating to judicial officers and Magistrates, who were under the discipline of the High Court, should not be admitted; they were not within the special cognizance of the member of Government concerned.

7. It was agreed that Questions asking for information already available in public reports should be discouraged as far as is possible and that a protest from the Government against the work involved in this matter is justifiable. If the Government wants to give the information, then no special harm is done. This form of Question should, however, be discouraged rather than disallowed, and it can be discouraged by the answer given by Government, in which the President may concur.

January, 1923

CONFERENCE

1. The Conference unanimously reached the conclusion that while giving a ruling from the Chair, care should be taken not to refer, save in the most general terms, to opinions arrived at in Conferences.

DEPUTY SPEAKER

2. The Conference recorded a unanimous opinion that it would be inexpedient to frame any definite rule in regard to the conduct of the Deputy President (Deputy Speaker), but that it was desirable that the officer in question should not take part in an acrimonious spirit in questions of controversy, and should not identify himself with any particular party in the Council in such a way as to give rise to doubts of his impartiality while in the Chair.

DISCIPLINE AND DECORUM

3. The general sense of the Conference was that a member guilty of a breach of order could not escape the consequences of such breach by leaving the Chamber before the President (*i.e.* Speaker) could pronounce a decision thereon.

PRESIDING OFFICERS

4. The Conference agreed that the right of the Chair to address the Council before putting the question was absolute and unrestricted but that

the right should be exercised with great discretion. The Conference also endorsed the view that the President should scrupulously refrain from taking part in any controversy before the House, but that it was his duty to intervene in case of need to ensure that members understood the nature of the issue on which they were about to divide.

5. The Conference unanimously agreed that no inherent power existed in the Chair to impose a time-limit on speeches during discussion on legislative business.

6. The Conference agreed that there was no power in the Chair to suspend a Standing Order in the absence of express provision therein to this effect.

December, 1923

CONFERENCE

1. The Conference adopted the following Resolution:

> "This Conference desires to place on record its opinion that, in order to secure the appropriate co-ordination of parliamentary procedure throughout India, a special effort be made in arranging the date and place of meeting of the Fourth Conference to secure the attendance of at least one representative from each Province."

NOTICES

2. The receipt of notices from a member who had not yet taken the oath, was valid.

QUESTIONS

3. It was agreed that Questions on subjects which will or may be discussed on Resolutions already admitted, were in order.

RESOLUTION

4. It was unanimously agreed that the statutory prohibition measure affecting the public revenues but without the sanction of the Governor or Governor-General did not apply to the moving of Resolutions, the acceptance of which would affect the revenues.

January, 1925

ADJOURNMENT MOTION

1. A member suggested that the carrying of a motion for adjournment from whatever motive, must necessarily be followed by adjournment. The Conference, however, thought that this procedure was illogical—a motion that this House do adjourn is merely a conventional formula of recognized significance and has nothing whatever to do with the actual adjournment. The Conference agreed that after the adjournment motion was disposed of, ordinary business of the day could be resumed.

BILLS

2. The Conference agreed that it was important that the Governor's message returning a Bill for reconsideration in part should show beyond any possibility of doubt the extent of the part which was returned for reconsideration. Should the message admit of any ambiguity in this respect, the Council would, it was thought, be within its rights in moving the Governor to elucidate the point. It was concluded that the part returned could be confined to a single clause or, if need be, to a single word. Were a single word returned for reconsideration with a recommendation that for that word another word be submitted, it would be open to the Council either to reaffirm the original word, to accept the Governor's word, or to substitute any alternative word or words.

3. The Conference agreed that when a Bill or any specific part of a Bill was returned to the Legislature by the Governor/Governor-General for reconsideration together with the recommendation that certain amendments be incorporated, the whole of the Bill, or the specific part of the Bill, as the case may be, were thrown open to amendment in the Legislature. The power of the Legislature was not limited to the consideration of those amendments only which were recommended by the Governor/Governor-General; it could also consider amendments to such amendments and any other alternative amendments.

PRESIDING OFFICERS

4. The Conference was of the view that an outgoing President (Speaker) who was a candidate for election as the next Presiding Officer, should in any case not preside at such election.

January, 1926

ADJOURNMENT MOTION

1. Mere declining to answer a Question on public grounds by a member of Government gave no right to move the adjournment of the House, but in a proper case the President (Speaker) might allow a motion for adjournment, *e.g.* where the Government member deliberately flouts the questionnaire or uses objectionable language.

2. Whether a matter was urgent or not, in respect of motions for adjournment, must be decided with reference to each particular case and no hard and fast rule could be laid down.

CLOSURE

3. It was agreed that although it was for the House to decide as to the closure being adopted, it was not necessary to lay down any general rule, and that a President could, if he thought the sense of the House was with him, put the question without the closure.

DEBATES

4. The President had powers to prevent the use of any irrelevant or intemperate language and to control the statement made by a Government member. If such language was used in reply to Questions, the President could order the expunging of such language.

DISCIPLINE AND DECORUM

5. The Conference generally agreed that the phrase "grossly disorderly" referred to any conduct which could have the effect of making the conduct of business in the Council (House) impossible.

GOVERNOR-GENERAL/GOVERNOR

6. It was agreed that a distinction should be made between the Governor's or the Governor-General's personal conduct and his conduct as a member of the Government and that so long as no motives were attributed and no offensive or discourteous language was used and the language would not be defamatory if uttered outside the House, the King's or the Governor's or the Governor-General's conduct could properly be the subject of criticism.

LEGISLATURE SECRETARIAT

7. The Conference agreed that the Legislature should have its own body of officers to carry out its functions and that the Council staff should be separate from the legal staff.

MEMBERS

8. The Conference agreed generally that while a member could oppose an entire Demand, a motion for the omission of the Demand was clearly out of order.

PARLIAMENTARY CONVENTIONS

9. It was resolved "A convention should be established, as in the House of Commons, that members should not publish or countenance the publication in the Press of Questions and Resolutions not admitted, and that Presidents should assist in the creation of such a convention by appealing to the members."

PRESIDING OFFICERS

10. It was agreed that in order to establish a convention that the President (Speaker) should be returned unopposed from any constituency and to keep the dignity of the office of the President, necessary action, including amendment in the Government of India Act, should be taken for continuing the office of the President till a new President was elected.

11. It was resolved that the best way to decide the question when there was equality of votes between two candidates for Presidentship, was the use of the casting vote of the person presiding.

SESSION

12. The Conference held that it was desirable that in all matters relating to the business of the Assembly or the Council, including the date of the first meeting, the duration of the session and the allotment of time for the different kinds of business, the President should be consulted by the Viceroy or the Governor, as the case may be.

UNPARLIAMENTARY EXPRESSION

13. It was agreed that insofar as a list of expressions which had been ruled to be 'Unparliamentary' was concerned, it was a matter on which there could be no hard and fast rule and that it would very much depend on the circumstances of each case.

September, 1926

BILLS

1. The Conference agreed unanimously that private members could bring forward amendments to those portions of the Bill which were affected by the amendments of the Governor.

RESOLUTION

2. It was generally agreed that a Government Resolution was in order and admissible which sought to carry forward to the next year the unspent portion of the Budget provisions on account of Major Works, subject to the condition that the expenditure proposed to be incurred would not exceed the amount previously voted by the Council, and that a Supplementary Demand would be put forward at the next meeting of the Council and that the President was not concerned with its probable effect or with its consistency with the rules of financial procedure laid down in the Government of India Act and the Devolution Rules.

SESSION

3. The Conference generally agreed that the phrase "complete Session" should be taken to mean the period between the first meeting of the Council and the date of its prorogation, and that it was not possible to introduce in the definition any limitations as regards the opportunities for any particular business to be transacted during such session.

4. The Conference recorded the view that if certain days were allotted for non-official business, it was undesirable that the power of prorogation should be exercised before the completion of this business and without consulting the President.

January, 1928

ADJOURNMENT MOTION

1. It was agreed that when motions for reduction were not reached and the main Demand was put and carried, the House has reached a decision as regards that Grant and if any motion for adjournment relating to any subject covered by the Grant sought to reopen that decision, it was clearly out of order as it would amount to be a vote of censure on the House itself.

2. The majority agreed with the Chairman that once the motion was admitted, it should be discussed on the same day.

3. It was agreed that the subject matter of the motion must have some relation to an act or omission on the part of the Government sought to be censured.

AGENDA

4. It was agreed that no motion for postponement of any business could be made until that business was reached.

5. It was agreed unanimously that the agenda of any particular meeting could be modified with the permission of the President even after it had been issued to members.

BILLS

6. It was decided that if the Standing Orders require balloting, that cannot be dispensed with even if a Private Bill has been published before introduction by Order of the Governor.

7. It was decided that the rule requiring previous sanction for the introduction of certain Bills was applicable to both official and non-official Bills.

8. The Conference agreed with the President (Central) Legislative Assembly that the President (Speaker) had nothing whatever to do with the question of obtaining sanction.

9. The general view of the Conference was that if the President was clearly of the opinion that an amendment required previous sanction, he should, in the absence of such sanction, rule the amendment out of order. If, however, it was doubtful whether the amendment did require previous sanction, the President should give the benefit of doubt to the mover of the amendment and allow it to be moved.

CLOSURE

10. It was considered desirable that a motion for closure should not generally be accepted by the Chair while a member was making a speech, although the Chair had the power to put a motion for closure even in the middle of a speech.

CUT MOTION

11. It was agreed that several cut motions for the reduction of the same item were permissible, provided the issue raised was different in each case.

DEBATES

12. It was decided that there was no objection to criticizing the action of a High Court if it was on the administrative side but no criticism of the Court's judicial action or conduct could be permitted.

DIVISION

13. It was agreed that no canvassing for votes should be permitted inside the Chamber within the notice of the Chair and that the only remedy in such cases was to censure the member responsible for violating this rule.

14. The Conference decided that a member having a direct personal pecuniary interest in the question should not be allowed to vote and if he did so the President (Speaker) might declare his vote invalid. It was agreed that on a "No-Confidence Motion" against himself, the Minister should not vote, but it was a matter of his own good sense and if he did vote, he could not be debarred.

RESOLUTION

15. It was decided that so long as the Resolution did not come within the prohibition of repetition of motions by reopening a decision of the House during the same session, it was not barred.

SELECT COMMITTEE

16. The Conference decided that a member could not record his minute of dissent without signing the majority report of the Select Committee.

January, 1929

ADJOURNMENT MOTION

1. The general consensus of opinion was that a speech delivered by a Governor as such could not be discussed and criticised by an Adjournment Motion, but if the Governor, during his speech, made an announcement on behalf of his Government then the policy underlying that announcement could be the subject-matter of discussion provided the other conditions laid down by the Rules and Standing Orders were satisfied.

QUESTIONS

2. The President (Central) Legislative Assembly, stated that he followed the practice of the House of Commons and did not permit members to give formal or public notice of Questions addressed to the President but that if any member desired to know the views of the President on a Point of Order or procedure, he could give private notice to the President to make a statement in the House. It would be inconsistent with the dignity of the Chair that he should be required to answer Questions or be exposed to heckling by Supplementary Questions. The Conference generally agreed with this view.

STATEMENTS

3. The Conference generally agreed with the view of the President (Central) Legislative Assembly, that the Chair had got inherent power to allow any member to make any statement.

February, 1932

ADJOURNMENT MOTION

1. The Conference came to the conclusion that the President could insist that his consent to the making of an Adjournment Motion should be obtained before the commencement of the sitting at which leave was asked for making it.

LEGISLATION

2. It was agreed that once the motion for leave to introduce the Bill, or the motion for consideration of the Bill, or the motion to pass the Bill was defeated, the Bill was killed.

PRESIDING OFFICERS

3. It was agreed generally that the President (Speaker) was competent to reconsider his previous decision and disallow a Resolution but such power should be exercised very rarely and only in exceptional cases.

SELECT COMMITTEE

4. The Conference was of the unanimous opinion that the President should not be member of a Select Committee.

RESOLUTION

5. It was decided that as regards the admissibility of Government Resolutions, the same principles would apply as in the case of non-official Resolutions.

August, 1933

BILLS

1. The Conference agreed that under the then existing Rules and Orders, Standing Government could bring up a Bill covering partially the same ground as covered in a non-official Bill which had previously been referred to a Select Committee and move that the Government Bill be taken into consideration and passed.

CUT MOTION

2. The Conference came to a unanimous decision that the President was bound to put the cut motion to the vote of the House if the mover happened to be absent at the time when he should be present to give a reply after having moved a cut motion and listened to the debates.

EXPENDITURE

3. The Conference unanimously agreed that when expenditure was to be met by fresh money to be voted by the Council, that could be done only on the presentation of a proper Estimate and not on token demand.

QUESTIONS

4. The Chairman was of the opinion that if, in spite of the fact that a Question related to a Central subject, the President thought that it was a matter which raised issues of considerable importance to the local inhabitants, then he would be perfectly justified in allowing that Question to be asked in the Local Council. The mere fact that the Question related to a Central subject was not sufficient ground for a Provincial President to disallow it. The Conference agreed with the view of the Chairman.

5. The Conference agreed with the opinion of the Chairman that the President of a Legislative Council would not be justified in anticipating the length of the answer and disallowing the Question on the ground that the answer was likely to be of excessive length. Such a Question could only be disallowed on the ground that it was an abuse of the right of questioning.

SELECT COMMITTEE

6. The Conference was unanimously of opinion that a member of a Select Committee could not animadvert on the conduct of the Chairman at meetings of the Select Committee and question the correctness of his rulings given at such meetings.

7. The Conference was unanimously of opinion that a member of Select Committee could not use objectionable or unparliamentary expressions in his minute of dissent which he could not use during debate in the House.

January, 1938

BILLS

1. The Chairman said that questions of legislative competence often raised difficult questions of jurisdiction and that the Speaker was not the appropriate authority for their decision. He came to the tentative conclusion that it was for the House to decide on the whole Bill. But the view of the majority of the Presiding Officers was that the Chair should give its decision and the question should not be left to the House to decide.

CONFERENCE

2. The Chairman pointed out that the object of the Conference was to enable Presiding Officers to understand the different points of view and, if possible, to arrive at a sort of understanding as to what would be the right procedure to follow in a given case. It was not within the province of the Conference to come to any decisions which would be binding on the various Presidents and Speakers in giving their rulings on the concrete questions that might arise from time to time. If by this Conference, they could arrive at a co-ordination of the practice of the different Houses, it would be all to the good. They should try, as best as they could, to establish sound traditions and sound practice which would help the growth of responsible Government in the country.

LEGISLATURE SECRETARIAT

3. The general opinion of the Conference was that in every Province there should be separate Departments both for the Assembly and for the Council under the control of the respective Speakers and Presidents.

NO-CONFIDENCE MOTION

4. The Chairman pointed out that it was conceivable that there might be grounds entirely personal to a particular Minister on which the motion expressing no-confidence in him could be based and the Council of Ministers might or might not in such a case make it a question affecting "collective responsibility". Even if a motion of no-confidence against an

individual Minister relating to a matter for which the Cabinet as a whole was or should be responsible, it could not be ruled out. The general opinion of the Conference was that motions expressing want of confidence in an individual Minister might be brought up and a rule to that effect would be a proper one.

PRESIDING OFFICERS

5. The Conference was of the view that the English Speaker owed his position and authority to his complete severance from politics, and the practice of the British House of Commons and not the practice prevalent in countries like France, Germany and United States of America, where Speakers took part in party politics, should be the model for the Speakers and the Presidents of Legislatures in India.

RESOLUTION

6. The general sense of the Conference was that it was within the competence of a State Assembly to pass a Resolution recommending to the Provincial Government to do certain things with the Government of India or with another Provincial Government in respect of a matter which was within the cognizance of that Government.

RULES OF PROCEDURE

7. The Conference considered that it was the inherent power of every House to suspend, by a unanimous resolution of the House, the Rules of Procedure framed by it.

July, 1939

INDIAN PARLIAMENTARY ASSOCIATION

1. As regards the formation of an Indian Parliamentary Association, the Conference unanimously agreed that such an Association should be established at an early date and that it should be independent of the Empire Parliamentary Association.

LEGISLATURE SECRETARIAT

2. The Conference was of the opinion that it was desirable that the Assembly and the Council Department should be self-contained and in the matter of appointments to the staff of Legislature Secretariat, a convention should be established that the opinion of the President or the Speaker should always prevail.

SELECT COMMITTEE

3. The Conference came to the conclusion that a Select Committee could appoint a sub-committee to facilitate its enquiry, but the report must be of the Select Committee and any report of the sub-committee should not be embodied unless it was adopted by the Select Committee formally.

January, 1947

BILLS

1. The Conference was in general agreement with the view expressed by the Chairman that in the absence of any rules on the subject, the fixation of a time-limit within which a particular Bill must be finished, could only be done with the consent of the House.

2. The Conference was in general agreement with the position stated by the Chairman that the purpose of a Preamble was to state the reasons and the intended effects of the proposed legislation *vide* May's Parliamentary Practice. He further stated that the Preamble of a Bill was often taken into consideration along with other aspects in determining whether the particular amendment to the Bill was within the scope of the Bill or not, and that it was always put to the vote of the House, and, therefore, formed an integral part of the Bill that was eventually passed. He also added that it was open to a member when the President put the question "that the Preamble stand part of the Bill", to oppose it, and it was open to the House to throw out the Preamble. The Preamble could also be amended.

3. There was a general agreement with the exposition of the matter by the Chairman that the scope of debate on the third-reading of a Bill was more restricted and was limited to the contents of the Bill. The discussion of clauses in detail was not permitted. Members speaking on this motion had to confine themselves to general observations in support of the Bill or in opposition to the Bill. A member speaking on this motion was not permitted to repeat what he had said at the earlier stages of the Bill, but he could go over the points briefly.

DEBATES

4. The Conference was in general agreement with the view expressed by the Chairman that it would not be right to disallow motions merely on the ground that legal proceedings were possible. In his opinion, unless

there were actual legal proceedings, there was no reason why discussion should be barred on the possible contingency that at some future date if the matter become *sub judice,* the discussion in the House would prejudice some party.

NO-CONFIDENCE MOTION

5. The Conference was in general agreement with the views expressed by the Chairman that it was in the discretion of the Speaker to disallow an improperly worded motion, and he might ask the member that if he was prepared to omit certain portions of the motion, or move it in a slightly amended form, he would be prepared to consider whether he would admit the motion or not. He was of the opinion that the Speaker should not take it upon himself to amend the motion but he should only indicate his views as to the inadmissibility of certain portions under the rules or under his inherent powers, leaving it to the member to come to a decision of his own. As far as possible, intemperate, ironical and defamatory expressions should be avoided keeping in view the rules of decorum of debate and dignity of the House. To that extent, he thought, amendment in the language of the motion could be made.

RESOLUTION

6. The Conference was in general agreement with the view expressed by the Chairman that Resolutions adopted by the House should be treated by Government as binding on them whatever the form of the Resolution might be. In his opinion, where the Legislature carried a particular Resolution and the Government was responsible to the Legislature, it was understood that the Government would follow it up with necessary action. A responsible Government could disregard the recommendation of the Legislature only on pain of dismissal by a vote of censure in the House, if the Legislature was in earnest about its recommendation.

April, 1949

(Emergent Conference)

LEGISLATURE SECRETARIAT

1. The Conference adopted the following Resolution unanimously:

> "This Conference of Speakers and Presidents of Legislative Bodies of all the Provinces, States and States Unions in India is of the opinion that the Secretariat of the Speaker or the President, as the

> case may be, should be placed on an independent footing and free from the control of Executive Government and that necessary provisions to that effect should be made in the Draft Constitution. The draft of the Articles which are proposed to be incorporated in the Draft Constitution should be finalised in consultation with the Chairman of this Conference—namely the Speaker of the Central Legislature."

PRESIDING OFFICERS

2. The Conference adopted the following Resolution:

> "In the opinion of this Conference of Speakers and Presidents of Legislative Bodies of all the Provinces, States and States Unions in India, the relations between the Speakers or Presidents on the one hand and the Executive Government on the other, as also the position of the Legislature Secretariat, should be the same as in case of the Central Legislature till the suggested provisions are included in the Draft Constitution and the Constitution comes into force; and it is hoped that the Provincial and State Governments will be helpful in enabling the Speakers and Presidents to establish the same by convention".

September, 1949

PRESIDING OFFICERS

1. The sense of the Conference was that the Speaker must be impartial. All agreed that we should aim at the British model wherein the ideal 'once a Speaker, always a Speaker' prevailed. But it would take a long time to establish the House of Commons' convention. It may be said that while the Speakers and Presidents should not take any active part in highly controversial matters and subjects, it would not be proper to expect them to keep absolutely out of politics, as in the case of the English Speaker.

As a corollary, the Chairman stated:

> "It would not be possible immediately to put into practice the convention that the Speaker's election should not be contested at the general election. All the same, the convention is a good one and we try to do whatever we possibly can in furtherance thereof."

TERMINOLOGY

2. The Conference was unanimously of the opinion that there should be unanimity of terminology in the various Legislatures of the Indian Union.

August, 1950

ADDRESS BY GOVERNOR

1. The consensus of opinion in the Conference was that the practice which was followed in the Centre in regard to the debate on the Address by the President, was good enough for the purpose, for some time to come. In regard to the practice in Parliament, the Note prepared by the Parliament Sectt. stated that after the motion on the Address of the President had been moved and seconded, the Speaker allowed all amendments to be moved one after the other, and thereafter a general debate on the Address as well as the amendments followed. After the close of the debate, such of the amendments, as were not withdrawn, were first put to the vote and then the main motion was voted upon.

SOCIETY OF SECRETARIES

2. The Conference unanimously accepted the item on the agenda for the organisation of a Society of Secretaries of Legislative Bodies in India with a view:

(i) to discuss administrative, procedural and other matters at Secretary level;

(ii) to bring about uniformity of organisation in Legislature Secretariats throughout India;

(iii) to consider and to report on any matters referred to by the Conference of the Presiding Officers; and

(iv) to recommend to the Conference of the Presiding Officers any points which require their consideration.

July-August, 1951

CONDUCT OF OFFICIALS

1. The Conference agreed with the view expressed by the Speaker, West Bengal, that actions of officials in their public capacity could be

criticised in a debate. But if the criticism was lightly made, and an officer was charged with allegations involving want of character, such charges should not be permitted, unless the motion was for an enquiry to be instituted against him.

MEMBERS

2. The decision of the Conference was that it was always open to a Legislature to declare the seat of a member vacant after he had remained absent for sixty days, but that normally an opportunity should be given to him to give reasons for absence.

PRESIDING OFFICERS

3. The Conference unanimously adopted the following Resolution:

> "This Conference is of opinion that it is desirable in the interests of the development of free democratic institutions in this country that following the practice in the British House of Commons, a convention should be established to the effect that the seat from which the Speaker or the Chairman stands for re-election should not be contested in the elections that are held from time to time. The necessary corollary of the full establishment of this convention would be that the Speaker or Chairman would not take part in party politics. The Conference feels that such a convention is a healthy one and its growth should be encouraged."

4. The general opinion was that it was open for any person belonging to the Speaker's constituency to approach any other member in respect of a matter in that constituency and such a member would willingly take up the matter in the House. If the matter relating to his constituency was really important, the Speaker might take up the question with the Government privately and in view of his high constitutional position, such a matter would receive careful consideration at the hands of the Government. In this respect, the Speaker's constituency was in a peculiarly favoured position.

PRIVILEGES

5. The General sense of the Conference was that a motion for referring a question to the Committee of Privileges should be made by the Leader of the House, and the question might be referred to the Committee of Privileges or the House might dispose it of. After leave to raise the question of privilege was granted, and before it was referred to the Committee of Privileges, some discussion might be held in the House.

RULES OF PROCEDURE

6. The Acting Chairman observed that there was unanimity so far as the principle relating to uniformity of Rules of Procedure in different State legislatures was concerned and that the guidance of the Speaker of Parliament would be sought in the matter. The Conference accepted the principle of framing of model rules which would facilitate the revision of rules in the States.

October, 1953

GLOSSARY OF TERMS IN HINDI

1. The Conference adopted the following Resolution:

> "In the opinion of this Conference, it is necessary to have a glossary of administrative, constitutional, parliamentary and legal terms in Hindi as early as possible with words common to as many languages as possible and so framed that the words will be easily understandable to the people in general, and that the Education Ministry be requested, as they are compiling such a glossary, to take this into consideration and proceed with the work with expedition and publish the glossary. The Conference further recommends that the words selected may be sent to the various heads of Legislatures and their suggestions in respect of them be invited".

INTER-LEGISLATURE ASSOCIATION

2. The Conference agreed to the proposal to organise an Association of the various Legislatures. The Chairman also observed that it would be a body distinct from the Presiding Officers' Conference.

LEGISLATURE SECRETARIAT

3. The Conference adopted the following resolution:

> "This Conference of the Presiding Officers of Legislative Bodies in India is of the opinion that the various Legislature Secretariats should be placed on an independent footing and free from the control of the Executive Government, and that necessary steps be taken by the Chairman of the Conference for the achievement of this objective".

PRESIDING OFFICERS

4. The Conference adopted the following Resolution:

> "That this Conference is of opinion that it is desirable in the interests of the development of free democratic institutions in this country that a convention should be established to the effect that the seat from which the Speaker or the Chairman stands for re-election should not be contested in the elections that are held from time to time, and steps for making a beginning in that direction may be pressed upon the Government by the Chairman in the light of discussions held in this Conference."

June, 1954

MEMBERS

1. The consensus of opinion of the Conference was that no member could be arrested within the precincts of the House under any law. As to what constitutes the precincts of the House was a matter which each individual Speaker should decide for himself.

MINISTERS

2. The Conference agreed with the note prepared by the Lok Sabha Secretariat that in case of a bicameral Legislature, a Minister who, under the Constitution, was entitled to speak and otherwise to take part in the proceedings of the House (but not vote), could, of right, move motions in the House of which he was not a member.

PARTIES

3. The Conference was in agreement with the following principles laid down by the Speaker, Lok Sabha, regarding recognition of Parties or Groups in the House, namely:

(i) that a Party should have a distinct ideology and programme of its own on the political, economic or social side; and

(ii) that it should have a party organisation, not only inside the House but also outside, which is in touch with the public opinion on all important issues before the country.

QUESTIONS

4. The Conference generally agreed with the prevalent practice in the Lok Sabha regarding the correcting of incorrect replies to Questions or mis-statements made by Ministers on the floor of the House.

RULES OF PROCEDURE

5. The Conference adopted the following Resolution:

> "This Conference is of the opinion that the Rules of Procedure of all Parliamentary Committees in the various States should be on the same lines as those in force in Parliament, and this Conference requests the Chairman to take up the matter with all the State Legislatures."

January, 1955

ADJOURNMENT OF THE HOUSE

1. The consensus of opinion in the Conference was that the rules in the State Legislatures regarding the adjournment of the House *sine die* and for similar purposes should be the same as the rules in the Lok Sabha.

BILLS

2. The Conference was of the view that the power to allow the publication of a Bill prior to its introduction in the House, should vest in the Presiding Officer who should, in exercising his discretion, give due consideration to the interests of the Government as a whole and the importance of the Bill.

CONFERENCE

3. The following Resolution was adopted by the Conference:

> "The Conference is of the view that the Presiding Officers should be supplied with copies of the Resolutions which are unanimously adopted at the Conference in order to facilitate their implementation and that the Presiding Officers may in their discretion, forward a copy of such Resolution to the Chief Minister of the State."

PRIVILEGES

4. The Conference was of the unanimous opinion that codification of the law of privilege was neither necessary nor desirable in the present circumstances.

QUESTIONS

5. The following Resolution was adopted by the Conference:

> "This Conference recommends that the Rules of Procedure relating to Questions in the Lok Sabha may be adopted by the State Legislatures, with such modifications as may be deemed necessary by the State Legislatures concerned."

November, 1955

SELECT COMMITTEE

1. There was a unanimity of opinion that a Select Committee could be considered validly constituted even though all the members belonging to the Opposition declined to be members thereof.

September, 1956

BILLS

1. As to what procedure should be adopted for the removal of any inconsistencies discovered in a Bill after its second reading was over, the decision was that the Speaker had the power to correct patent and technical errors and this could also be done during the third reading by reopening a clause. Consequential errors could be corrected by the Speaker even after the third reading before it was sent to the President for assent.

LEGISLATURE SECRETARIAT

2. As regards the question of placing the Secretariats of the Houses of Legislature in the States under an Administrative Department of Government, for purpose of communication with other Departments, on important matters and whether such a procedure would be consistent with the independence of the Secretariats of the Houses of Legislature, the Conference held the view that Houses of Legislature should have separate Secretariats for themselves and should be independent of the structure of Government Departments and should not be placed under any Administrative Department of Government.

PRESIDING OFFICERS

3. As regards the relations of a Presiding Officer of a House of Legislature with political parties in the country, the Conference expressed

the opinion that the Speaker normally did not sever his link with his political party and continued to make his contribution to the party. He should not take part in any kind of political controversy. There would be no objection to his making speeches with regard to the subject of planning or social aspects.

REFERENCES BY THE PRESIDENT UNDER ARTICLE 3

4. The Conference considered the following subject:

> "To what authority should a reference by the President of India under Article 3 of the Constitution be addressed?"

The decision in regard to this matter was that the President should inform the Governor and the Governor should send a proper message to the Speaker in a formal manner.

October, 1957

LEGISLATURE SECRETARIAT

1. The Conference adopted the following Resolution:

> "This Conference understands that rules and regulations have not yet been framed in some States to ensure the independence of the Legislature Secretariat and, therefore, requests the respective Governments to take early steps to pass rules to ensure such independence."

October, 1958

MONEY BILL

1. On the question what exactly was the scope of sub-clause (g) of clause I of article 199 of the Constitution for determining whether any Bill was a Money Bill, the Chairman, summing up the discussion, observed that it was not advisable to define what exact words came under the said clause and it should be left to the good sense of the Speaker.

WALK-OUT

2. The Chairman said that walk-out as a matter of protest against the ruling of the Chair was objectionable and against the decorum of the

House. It was a reflection against the decision of the Chair. He observed that the Speaker had the right to decide one way or the other and his decision could not be questioned. If there were silent walk-outs denoting thereby quiet disagreement or dissatisfaction the matter should be ignored, but if, while going out, members pass some derogatory observations then it would amount to contempt of the House and the Chair would be perfectly justified in taking suitable action.

January, 1964

CONFERENCE

1. The Conference agreed that the Conferences of the Chairmen of Estimates and Public Accounts Committees should be held once in the lifetime of a Lok Sabha, *i.e.*, five years.

January, 1965

PRIVILEGES

1. "THIS CONFERENCE of Presiding Officers of Legislative Bodies in India held at Bombay on 11 and 12 January, 1965, having carefully considered in all its aspects the Opinion of the Supreme Court on Special Reference No. 1 of 1964 made by the President under article 143(I) of the Constitution regarding the powers and jurisdiction of the High Court and its Judges in relation to the State Legislature and its officers and regarding the powers, privileges and immunities of the said Legislature and its members in relation to the High Court and its Judges in the discharge of their duties, is of the confirmed opinion that:

(a) where it is not possible for Legislature to function successfully without their having the powers to adjudge in case of their own contempt, whether committed by a member or a stranger whether inside the Chamber or outside it, and to punish that contempt without interference by Courts under any article of the Constitution or otherwise;

(b) whereas such ouster of jurisdiction of courts was intended by the Constitution makers as is clear from the statements of Dr. Ambedkar and Sir Alladi Krishnaswamy Iyer made in the Constituent Assembly when articles 105 and 194 were adopted;

(c) whereas the language of these articles is so clear that according to Justice Sarkar the language can only have one meaning and that is that it was intended to confer on the Legislatures the powers, privileges and immunities which the House of Commons in England had at the commencement of the Constitution; and

(d) whereas the opinion of the Supreme Court has reduced Legislatures to the status of inferior Courts, and has implications that would deter the Legislatures from discharging their functions efficiently, honestly and with dignity;

NOW THEREFORE, this Conference considers that suitable amendments to articles 105 and 194 should be made in order to make the intention of the Constitution makers clear beyond doubt so that the powers, privileges and immunities of Legislatures, their members and Committees could not, in any case, be construed as being subject or subordinate to any other articles of the Constitution.

THIS CONFERENCE further authorises the Chairman of the Conference to take all steps necessary to give effect to this Resolution."

2. The Conference did not agree to the suggestion that privileges of Houses of Parliament and State Legislatures should be codified.

October, 1967

DEFECTION

1. The Conference expressed its unhappiness over the tendency of legislators changing their allegiance from one party to another and their frequent crossing of the floor.

April, 1968

(Emergent Conference)

LEGISLATURE

1. The Conference adopted the following Resolution:

"THIS CONFERENCE OF PRESIDING OFFICERS held at New Delhi on 6 and 7 April, 1968;

REVIEWING the recent political developments in the States of West Bengal and the Punjab leading to constitutional deadlock which made it impossible for the Legislatures to function;

NOTING that the situation that arose in the aforesaid States is of an all-India character and may arise in future in any other part of the country;

FEELING that these developments could not be considered in isolation divorced from the political conditions that emerged after the Fourth General Election and which still continue;

OBSERVING that the executive authority was exercised in a manner that was not always in keeping with the constitutional propriety so as to inspire confidence in the people;

CONSIDERING that the nature of political struggle for power and its impact on the Presiding Officers could not altogether be ignored;

IS OF THE OPINION:

(a) that it is imperative to view the problems in the integrated manner so as to cover the whole range of relationship, as envisaged by the Constitution, between the Governor and the Council of Ministers, the President and the Governors, the Governors and the Presiding Officers, Presiding Officers and the Chief Ministers, and the Presiding Officers and the Houses;

(b) that the lasting solutions to these problems can be discovered only if a binding code of conduct is evolved to govern the relationship between the Executive and the Legislature so as to ensure the independence of the Presiding Officers;

EXPRESSES its deep sense of gratitude to Dr. N. Sanjiva Reddy, Speaker of Lok Sabha and Chairman of the Conference, who took prompt initiative in calling an emergent session of the Conference and provided guidelines in his opening Address;

AGREES generally with the approach envisaged in the Address of the Chairman;

CONSIDERS that it is the duty of the Presiding Officers to allow the Houses to function in spite of any obstruction and further that the Rules of Procedure of the Houses of Legislatures may be so amended as to provide that a Resolution for the removal of a Presiding Officer from his office shall be brought before the House, notwithstanding an order of adjournment made by a Presiding Officer contrary to the rules;

APPEALS to all members of Legislatures and more particularly to all the Political Parties:

(a) to take effective steps to stop defections which are used as a weapon to topple Governments and to bring about stability in Legislatures to help in their smooth functioning; and

(b) to ensure that due respect and cooperation are extended to the Presiding Officers and notices of removal of Presiding Officers from office are not tabled without due deliberation and adequate grounds;

REQUESTS the Government of India to take urgent and suitable steps to evolve conventions in regard to the powers of Governors to summon or prorogue the Legislatures and to dismiss Ministries in the light of the following observations:

(a) That a Governor shall summon or prorogue the Legislature on the advice of the Chief Minister. A convention shall be developed that the Chief Minister may fix the dates of summoning and prorogation after consulting the Presiding Officer concerned. The Governor may suggest an alternative date but it shall be left to the Chief Minister or the Cabinet to revise their decision or not. Where, however, there is undue delay in summoning a Legislative Assembly and the majority of members of the Legislative Assembly desire to discuss a motion of no-confidence in a Ministry and make a request to that effect in writing to the Chief Minister, the Chief Minister shall advise the Governor to summon the Assembly within a week of such request;

(b) The question whether a Chief Minister has lost the confidence of the Assembly shall, at all times, be decided in the Assembly; and

EARNESTLY DESIRES that keeping in view the need of self-introspection and the objective assessment of the situation, the Governments, both at the Centre and in the States, the Political Parties, and the members of Legislatures may take all the necessary steps in regard to all the matters referred to above with a view to strengthening the democratic institutions in the country."

December, 1969

MEMBERS

1. The Conference generally agreed that when an allegation is intended to be made, the concerned member should give an advance notice to the Speaker and also to the Minister. If he does not give any notice to the Speaker and defies the Chair, the Speaker can just request and persuade him to stop. If the member persists, the other alternative is to ask him to withdraw from the House.

UNPARLIAMENTARY EXPRESSIONS

2. It was held at the Conference that no hard and fast rule can be laid down in the matter. Much depends upon a particular situation.

July, 1970

MEMBERS

1. On the question whether the courts can issue a summons or a notice to a member of Parliament or of a State Legislature to appear before them for anything said or done by him on the floor of the House, it was agreed that the position with regard to immunity granted in that respect to members of Legislature under articles 105 and 194 of the Constitution was clear, but in case courts were doubtful they should send the request to the Speaker.

MINISTERS

2. The Chairman observed that in the event of allegations being made against any individual Minister, the procedure for any inquiry might be followed as was laid down by Shri G.V. Mavalankar, Speaker of Lok Sabha in 1951 in regard to the Mudgal case. The procedure is:

> "Any one who has reasonable belief that a member of Parliament has acted in a manner which, in his opinion, is inconsistent with the dignity of the House or the standard expected of a member of Parliament may inform the Leader of the House (Prime Minister) or the Speaker about it. The person making such an allegation should first make sure of his facts and base them on such authentic evidence, documentary or circumstancial, as he may have. He should be careful in sifting and arranging facts because, if the allegations are proved to be frivolous, worthless or based on personal jealousy or animosity, directly or

> indirectly, he will himself be liable to a charge of the breach of privilege of the House. Therefore, it is of the utmost importance that allegations are based on solid, tested and checked facts.
>
> When information regarding the alleged misconduct on the part of a member of Parliament is received, the usual practice is that the Prime Minister examines the whole evidence and if he is satisfied that the matter should be proceeded with, he should give a full and fair opportunity to the member to state his own version of the case, to disprove the allegations against him and to place before the Prime Minister such information as may assist him to come to a conclusion. After the member's explanation, oral or written, is received by the Prime Minister, he sifts the evidence critically and together with his conclusions places the whole matter before the Speaker. If the member has given adequate explanation and it is found that there is nothing improper in his conduct and he has cleared all the doubts, the matter may be dropped and the member exonerated. If, however on the basis of the explanation given by the member and the evidence it is held by the Speaker that there is a *prima facie* case for further investigation, the matter is brought before the House on a motion for the appointment of a Parliamentary Committee to investigate the specific matter and to report to the House by the specified date.
>
> However, if in the course of preliminary investigation it is found that the person making the allegations has supplied incorrect facts or tried to bring discredit to the name of the member wilfully or through carelessness, he shall be deemed to be guilty of a breach of privilege of the House."

October, 1971

DEPUTY SPEAKER

1. On the question how the role of Deputy Speaker as a member and as a Presiding Officer could be reconciled, the consensus was that the following observation of late Shri Mavalankar provided the best guideline for Deputy Speakers:

> "The question of the Deputy Speaker is a question which each Deputy Speaker has to consider himself and decide. Undoubtedly, he is a member. But, I think, he has also to remember that he has to preside in the Legislature and, therefore, a responsibility lies on him to so

> conduct himself in the debate that members of the parties do not take him to be a party man. And this limitation applies not only to his taking part in the debates inside the House but even in the politics outside, not only in taking part but also insofar as the language and expression of the views is concerned. That is a question on which he has to exercise his own discretion."

PRESIDING OFFICERS

2. The Conference held the view that the Speaker's office should be treated as quite a high office and it should be the duty of the Chief Ministers and the Ministers and the Executive to reply to whatever he writes concerning his constituency and also extend him all co-operation in the development of his constituency and attending to the grievances of his constituency.

PRIVILEGES

3. The Conference agreed that if a member of any House is arrested or brought before the Magistrate and punished, it is the duty of the officer or the Magistrate to immediately inform the Speaker or the Chairman, as the case may be. If any officer or Magistrate fails to discharge that obligation, it would be breach of privilege of the House.

October, 1972

COMMITTEES

1. The Conference unanimously agreed that while nominating the Chairman of the Public Accounts Committee, the convention of appointing the Chairman from the Opposition must be followed.

2. The Conference reiterated the following position in respect of Study Tours by Committee as contained in the Page Committee Report which was adopted at the 1968 Conference held in Trivandrum:

> "60. The Committee noted with concern the growing tendency on the part of Parliament Committees either to hold their sittings outside the precincts of the Legislatures or to undertake tours. In some States, such Committees undertake tours even to other States. The Committee

feel that in order to check this unhealthy practice, the following guidelines may be followed:

(1) A Parliamentary Committee, of a Legislature should hold its sittings only within the precincts of that Legislature;

(2) If it is a absolutely necessary for the Committee to undertake tours, the Committee should approach the Speaker for permission indicating the specific reasons therefor;

(3) If the Speaker is satisfied that any tours are absolutely necessary, he may accord his permission. However, such permission should be accorded for the purpose of studying a specific thing and the Speaker may permit a sub-committee consisting of a few members of the Committee to undertake the study tour and give their report to the Committee;

(4) The Speaker should not permit the Committee to undertake tours outside the State."

June, 1976

ORDINANCE

1. The consensus opinion of the Conference was that the procedure of issuing Ordinances should be confined to very very special measures of real urgency and the practice of consulting the House if one of the Houses was in session or calling the other House should be there and only when there were very special and practical difficulties and the Government could not wait even for a few hours or a few days, it was then and then only the resort to Ordinances could be invoked.

January, 1984

PRESIDING OFFICERS

1. On an item of the Agenda which sought to provide for a different procedure for the removal of the Speaker other than the existing one, the consensus opinion of the Conference was that the present procedure might be continued.

2. The Conference unanimously agreed that there must be a discretionary fund for Presiding Officers.

PRIVILEGES

3. The Conference adopted the following Resolution :

"This Conference of Presiding Officers of Legislative Bodies in India held at Bombay on 2 and 3 January, 1984, having carefully considered all aspects regarding the powers, privileges and immunities of the Legislative Bodies in India as laid down in the Constitution, affirms that the Legislatures are supreme in their affairs in the conduct of the business of the House and their powers, privileges and immunities granted by the Constitution of India and no other authority shall have jurisdiction or power to interfere in that respect.

The Conference further authorises the Chairman of the Conference to take such steps in the matter as he thinks fit to achieve the above objectives."

April, 1984

(Emergent Conference)

PRIVILEGES

1. The Conference adopted the following Resolution:

"The Presiding Officers of Legislative Bodies in India, assembled in their Emergent Conference in New Delhi on 25 April, 1984, while reiterating the supremacy of the Legislature under the Constitution and faith in the independence of the Judiciary and the freedom of the Press, hereby unanimously resolve:

(a) that under article 105/194 of the Constitution, the Legislatures in India had, and were intended by the founders of the Constitution to have, exclusive jurisdiction to decide all matters relating to the privileges of the House, their members and Committees without any interference from the courts of law or any other authority;

(b) that rules framed under article 118/208 are not subject to scrutiny by any court of law and the provision regarding their being subject to constitutional provisions refers to only the provisions regarding Rules of Procedure enshrined in the Constitution and not to all other provisions;

(c) that mutual trust and respect must exist between the legislatures and courts each recognising the independence, dignity and jurisdiction of the other inasmuch as their roles are complementary to each other;

(d) that, if necessary, an amendment might be made in Constitution so as to place the position beyond all shadow of doubt; and

(e) that the Committee of the Presiding Officers appointed at their Conference in Bombay in January, 1984 may continuously monitor further progress in the matter and from time to time make suitable recommendations to the Chairman of the Conference and finally to the Conference itself at its Calcutta meeting in October, 1984.

This Conference authorises the Chairman to take such other steps as he deems fit to achieve the above objectives."

October, 1984

COMMITTEES

1. There was general agreement at the Conference on the desirability of considering the setting up of Budget Committees for in-depth scrutiny of Demands for Grants on an experimental basis.

October, 1985

COMMITTEES

1. The Conference gave general support to strengthening of the Committee System, especially in respect of the pre-voting scrutiny of the Demands for Grants of Ministries.

2. There was a general consensus at the Conference that Ministers should not be Chairmen of the Committees on Privileges.

October, 1986

COMPUTERISED NATIONAL INFORMATION GRID

1. There was an agreement at the Conference on the proposal for the computerised National Information Grid. The Chairman informed the Conference that the development work on an integrated parliamentary database with vast and uptodate information on Parliament, its activities,

legislation, library, etc., was in progress at New Delhi under Parliament Library Information System. Members of Parliament and State Legislatures/ Researchers in any part of the country would be able to have access to this sea of information through a NICNET terminal. Similar systems could also be developed at State Legislatures and subsequently integrated with the Parliament Library Information System at New Delhi. When operational, this would serve as the National Grid on Parliament and State Legislatures information and might prove to be very useful to Parliamentarians, State Legislators and researchers.

September, 1987

RULES OF PROCEDURE

1. The Conference was of the view that while it was for each Legislature to frame its rules, it would be desirable to have, as far as possible, more or less uniform set of Rules of Procedure and Conduct of Business in all the Legislatures in the country. Where it was deemed necessary to make variations to suit local conditions, the Legislatures concerned could work out the details of the same and decide on the broad measures of uniformity. The Lok Sabha Rules of Procedure could be considered as a general mode of guidance.

January, 1989

PRIVILEGES

1. It was held that the question of undertaking Legislation on the subject on codification of privileges has engaged the attention of Presiding Officers of Parliament and State Legislatures in India since 1951. It has been an on-going subject since then. The dominant view has all along been that any codification is more likely to harm the prestige and sovereignty of Parliament and State Legislatures without any benefit being conferred on the members and that in the present circumstances, codification of parliamentary privileges is neither necessary nor desirable. The Conference agreed to maintain the same view.

September, 1989

DISCIPLINE AND DECORUM

1. It was held at the conference that there could be no two opinions on the proposal that there should be a code of conduct for legislators. But

if the legislators only follow the Rules of Procedure and Conduct of Business that they have themselves laid down, there would hardly be any need for any further code of conduct.

LEGISLATURE SECRETARIAT

2. The Conference unanimously reiterated that State Legislature, like Parliament should have an Independent Secretariat and the Speaker or the Chairman of the Legislature should have similar powers to that of the Speaker and the Chairman of the Lok Sabha and the Rajya Sabha, respectively. Constitutionally also the demand is genuine as the same is contemplated under articles 98 and 187 of the Constitution.

The Conference decided to pursue the issue further and to send the consensus opinion on the matter to the Prime Minister of India and all the Chief Ministers.

LEGISLATURE

3. The Conference agreed on the need to deal with the problem of shrinking days of the sessions of Legislatures.

February, 1992

(Emergent Conference)

ANTI-DEFECTION LAW

1. There was a consensus at the Conference that it was necessary to protect the dignity and the prestige of the Legislature and that of the Presiding Officers insofar as jurisdiction in the matter of Anti-Defection Law was concerned.

2. There was a consensus that the Presiding Officers should decide about matters pertaining to the Anti-Defection Law.

May, 1992

COMMITTEES

1. The Conference had agreed that it would be better to have the Subject-based Committee System. Subject Committees should not only examine all that had already happened but also, to the extent possible, all that should happen. They could help the Ministries, to the extent possible, in formulating the plans and policies also.

LEGISLATURE SECRETARIAT

2. The Conference adopted the following Resolution:

> "This All India Conference of Presiding Officers held at Gandhinagar, Gujarat, resolves that the Secretariat of the State Legislature be independent of the Executive in all financial, administrative and functional aspects on the pattern of Lok Sabha/Rajya Sabha Secretariat as provided in the Constitution.
>
> It is further resolved that until the Legislatures of the States may, by law, regulate the conditions of service of persons of the Secretarial Staff under article 187(2) of the Constitution of India, the conditions of service of the Secretarial Staff of the Legislatures should be framed under article 187(3) by following, in form and substance, the pattern of the Lok Sabha Secretariat Staff Rules framed under article 98(3)."

TRAINING IN PARLIAMENTARY PRACTICE AND PROCEDURE

3. There was a consensus on the point that it would be better to have more and more facilities to facilitate orientation programmes for members and training programmes for officers of the Legislatures.

February, 1994

INFORMATION SHARING BETWEEN PARLIAMENT AND STATE LEGISLATURES

The Conference adopted the following Resolutions:

> "This meeting of the 59th Conference of Presiding Officers of Legislative Bodies in India held in the Assembly Hall, Bhubaneswar, on 2 February, 1994 reiterates the important and pivotal role of information dissemination for the effective functioning of the Legislatures in the country and recommends that necessary steps be taken expeditiously for promoting close exchange of information and documentation between the Parliament Library Information System and the Libraries of State Legislatures and also for establishing a satellite linkage for sharing legislative data and information."

2. This meeting of 59th Conference of Presiding Officers of Legislative Bodies in India held in the Assembly Hall, Bhubaneswar on 2 February, 1994 resolves:

(i) that the Secretariat of every Legislature shall prepare a report on important developments taking place in the Legislature during the period between one Conference and another and send it to the Lok Sabha Secretariat six weeks before the next Conference; and

(ii) that the Lok Sabha Secretariat shall consolidate these reports, including the reports on important developments in Lok Sabha and Rajya Sabha, and publish them in a book form for circulation to all the Presiding Officers so as to make it available to them at least a week before the commencement of the Conference."

3. "This meeting of the 59th Conference of Presiding Officers of Legislative Bodies in India held in the Assembly Hall, Bhubaneswar, on 2 February, 1994 resolves that the Secretariat of every Legislature shall compile Rulings and Observations from the Chair and circulate to the Secretariats of Lok Sabha and Rajya Sabha and all other State Legislatures and that all the Rulings of the States sent to the Lok Sabha will be published by the Lok Sabha Secretariat and they will be available at one place."

TELECASTING OF PROCEEDINGS

4. "This meeting of the 59th Conference of Presiding Officers of Legislative Bodies in India held in the Assembly Hall, Bhubaneswar, on 2 February, 1994 recommends that all important debates in the State Legislatures such as the Address of the Governor and the presentation of the Budget, etc. may be telefilmed and televised."

October, 1996

The Conference of Presiding Officers of Legislative Bodies in India met under the Chairmanship of Shri P.A. Sangma, Hon'ble Speaker, Lok Sabha on 10 and 11 of October, 1996 in the Parliament House Annexe at New Delhi and adopted the following Resolutions:

ORDERLY CONDUCT OF BUSINESS IN THE HOUSE

1. "It is a matter of grave concern that, of late, the business of the Legislative Bodies has tended to get seriously disrupted due to deterioration in the performance and conduct of the legislators and in some cases, inadequate response of the Governments concerned. Having discussed this problem, in 1992 at New Delhi, with leaders of parties and whips, the Conference had *inter-alia* resolved that the

political parties should evolve a code of conduct for their legislators and ensure its observance by them. Draft of a Code had also been prepared and circulated to legislatures for observance by all concerned. Nonetheless, the problem of orderly conduct of business of the Houses subsists. This is not conducive to the strengthening of democracy in the country. The root-cause of the problem is traceable to the manner of selection of candidates by political parties for being returned to the legislatures and the field environment from which the candidates hail. In this background, and considering that several positive developments have taken place of late, such as reduction of voting age from 21 to 18 years, establishment of the Panchayati Raj System, affirmative actions for empowerment of women, the political parties should take appropriate measures for the right choice of candidates, including with reference to their antecedents, their education and training so that when they gain entry into the Legislatures, their standard of performance and conduct would enhance the over-all performance of the Legislatures. The members, particularly the new ones, should be given orientation and training in the Rules of Procedure and Conduct of Business of the Legislatures and in parliamentary decorum.

2. Training in elements of parliamentary system should be imparted even at the school stage and the educational system from rather early levels should be oriented for the purpose.

3. Conduct of the legislators inside and outside the Houses has come to be considered as a matter of very serious concern by the people in general. This has very grave implications for the dignity of the Legislatures and the future of democracy. In this context, constitution of Ethics Committees by the Legislatures for ensuring basic standards of probity of the members should be examined with special reference to the establishment of such institutions by legislative bodies elsewhere in the world.

4. Ideally, the persons who are to occupy the office of the Presiding Officer of Legislatures should be such that they have aptitude for maintaining proprieties and orderly conduct of business; are reputed for their impartiality, tact and diplomacy, and understanding and sympathy; and are capable of infusing confidence in the members.

5. It is also a matter of serious concern that the periodicity as well as duration of sittings of several Legislatures are grossly inadequate. There should be more frequent and longer sittings, lest the members

get frustrated in that they are not able to transact business on the problems of their constituencies. In this context, Legislatures should establish conventions rules or practice of enhancing the minimum number of sittings and stipulating the minimum duration of each of the sittings, largely following the model of the Parliament."

COMMITTEE SYSTEM

6. "It is noted that pursuant to the earlier Resolution of the Conference, the Subject-related Parliamentary Committee System has not yet become universal in all the Legislatures. Considering that the Committee system helps in enhancing the accountability of the Executive to the Legislatures through comprehensive Budget scrutiny, examination of performance of the Ministries/Departments, making Governments spending and performance more transparent, detailed scrutiny of legislative proposals and examination of policy initiatives of the Governments, it is desirable that the Committee System is made universal. Measures should also be taken for the removal of the inadequacies of the existing Committee System. In particular, Ministers should not be Chairmen of these Committees, as it would be inconsistent with control of the legislatures over the Executive; and implementation of the recommendations of the Committees should be improved and should be made time bound too."

MEDIA RELATIONSHIP

7. "While the media has a very legitimate role to play in bringing about a healthy interface between the Legislatures and the people, it should come to play a more creative and productive role. It would need to get appropriately oriented such that excessive projection is not given to disruption of business in the Legislatures and media projection is balanced covering the positive side of business actually transacted as well.

8. Telecasting of the proceedings of the legislative bodies have implications for giving feedback to the people regarding their business transaction; it also has long-term implications for the orderliness of the conduct of business in these bodies. Therefore, Governments at the Centre and in the States should take such measures as are feasible for telecasting proceedings of the legislative bodies, live or pre-recorded, atleast selectively so as to cover important items of business. As telecasting has wide ranging implications in operational terms, a Committee of Presiding Officers

headed by the Hon'ble Speaker, Lok Sabha, should examine all aspects of the matter and make a report, giving its considered recommendations.

9. Having adopted the above resolutions, this Conference calls upon:

- the political parties to select their candidates for the Legislative Bodies with great care and discretion;
- the people to exercise their franchise with great caution and return to the Legislative Bodies candidates reputed for their probity and aptitude for public service;
- the members of the Legislative Bodies to demonstrate their orderliness in their conduct and the Legislatures and observe probity in general; and
- the media in its interface between the Legislatures and the people to play a constructive role so as to strengthen our democratic system."

October, 1997

PARLIAMENTARY DEMOCRACY AND DISCIPLINE AND DECORUM

1. The Presiding Officers of Legislative Bodies in India, having met in Conference at Simla on 21, 22 and 23 October, 1997 and deliberated on "Fifty Years of Parliamentary Democracy in India" and "Discipline and Decorum in the House" adopted the following Resolution:

> "The sub-continent size democracy of our country can be sustained amidst our diversities only through meaningful decentralised governance, and national unity and integrity protected and strengthened only by drawing energy from the grass-roots. For the purpose, our federalism should be reinforced by meaningful devolution of power to States and the Panchayati Raj System faithfully implemented in terms of the 73rd and 74th Constitutional Amendments.
>
> Our parliamentary democracy is based on multi-party system. Proliferation of political parties has thrown up challenges to majoritarian Governments. Defections by members of Legislative Bodies elected on specific party candidatures are assuming new and alarming dimensions, apart from raising basic ethical issues and telling upon political stability. Experience with the Anti-defection Law has also projected several

> practical problems apart from its inadequacies. The entire issue of defections and the Tenth Schedule of the Constitution should be reviewed and reconsidered in detail in all their dimensions including in respect of imposing a legal ban on defections altogether.
>
> The Legislative Bodies in the various States may consider holding Special Sessions, as the Parliament has done, to deliberate on their democratic experience and on basic State and national issues in a non-partisan manner in commemoration of the golden jubilee of the country's Independence. They may further consider adopting Resolutions by consensus on the model of the Special Session of the Parliament.
>
> Considering that the surest way to ensure greater accountability of the Executive to the Legislature is to have meaningful scrutiny of the functioning of the Government, the State Legislative Bodies may have sittings for not less than sixty days in the case of smaller States and hundred days in the case of larger States in a year, sessions not being a mere formality of fulfilment of obligation under article 174(1) of the Constitution.
>
> The Standing and Subject-related Committee System may be activised and committee reports may also be discussed in detail by the Legislative Bodies in adequate number of sittings specially devoted for the purpose."

The increasing incidents of indisciplined and indecorous conduct on the part of members of Legislative Bodies is a matter of very serious concern. The political parties have a vital role to play in this regard. Specifically:

- The parties should set up for elections to Legislative Bodies candidates reputed for their clean track-record, particularly free of any criminal background, and for probity, integrity and aptitude for public service.
- Considering that the business of Legislative Bodies including legislation have become very complex and that the situation calls for significant level of understanding and comprehension of social, economic, political and legal issues on the part of legislators, political parties may endeavour to prefer persons with such qualities and basic levels of education in the choice of their candidates for electoral contests.

- The parties should organise pre-election training for their candidates on Rules of Parliamentary Procedures and Conduct of Business in the Houses; the Legislative Secretariats should also organise for the legislators post-election training on this subject with the help of formal official training institutions like the Bureau of Parliamentary Studies and Training.
- The "Code of Conduct for Members of Legislature should be enforced by their parties in and outside the House" brought out in 1992 should be systematically implemented."

SPECIAL RESOLUTION ON U.P. SITUATION

2. The Conference adopted the following Resolution:

"This Conference of Presiding Officers of Legislative Bodies in India are deeply shocked and surprised at the incident, as widely reported in the print and electronic media, of indiscipline, indecorous behaviour and violence on the part of the legislators of UP Vidhan Sabha at the floor of the Sabha on 21 October, 1997 on the occasion of the Chief Minister of the State going through the process of establishing his majority as per the directive of the State Governor. The Conference considers that this incident is a blot on our democracy, particularly at a time when the country is celebrating the golden jubilee of her Independence. The Conference is further deeply concerned at the directives reportedly issued by the Governor to the Speaker of the UP Vidhan Sabha about the manner of the conduct of trust vote in the House and at the despatch of "independent observers" to be present in the Sabha at the time of voting. These amount to an onslaught on the dignity, authority and autonomy of the Legislature and the Presiding Officer. The Conference calls upon the Presiding Officers to do everything within their capacity to reject any extraneous interference with the transaction of business of the Legislative Bodies having implications for the erosion of their authority and supremacy."

September, 1998

The Sixty-second Conference of Presiding Officers of Legislative Bodies in India, having met at New Delhi on 22 and 23 September, 1998 and having deliberated on the Anti Defection Law and bringing about uniformity of procedures in the Legislative Bodies with special reference to time management, came to the following conclusions:

ANTI DEFECTION LAW

"Defections as an expression of dissent on ideologies and of value based political behaviour, as exemplified by the withdrawal of political stalwarts like S/Shri J.B. Kripalani, Narendra Dev, C. Rajagopalachari, P.D. Tandon and Ashok Mehta from the Congress had given place to unprincipled exist of members from political parties and floor crossing on consideration of political gains and lure of office. This was accompanied by bribery, corruption, etc. It was in this background and that of phenomenal numbers of political defections that the Anti-Defection Law was enacted in 1985.

However, while the rate of defections may have come down since the enactment of the law, defections as an evil has not been "outlawed" as envisaged by the law. Rather, the modalities of splits and mergers of parties have been used and abused within the framework of the law for engineering fresh political alliances and capture of power by them.

There have also been several ambiguities and lacunae in the law, consequent on which different Presiding Officers have interpreted it differently. There have further been judicial reviews of decisions of the Presiding Officers, reflecting on the dignity of the offices they hold. Some of the main problems experienced in the implementation of the law are:

- Controversies, particularly based on judicial pronouncements about the determination of splits with reference to vertical divisions within the original political parties;
- Absence of definitions of important expressions;
- Continuance of membership of legislators in parties despite their expulsion in view of the deeming provision in the explanation under paragraph 2(i);
- Lack of clear legal sanctity for treating expelled members as unattached;
- Lack of provision for *suo motu* intervention by Presiding Officers in cases of defection;
- Lack of detailed procedures for consideration of cases of defections involved in splits and mergers by the Presiding Officers;

- Non-existence of time limit within which Presiding Officers are to take decisions;
- Non-existence of provision for appeal against decisions of the Presiding Officers;
- Striking down of paragraph 7 ousting the jurisdiction of courts, reducing the Presiding Officers to positions of the mere Tribunals;

Whatever may be the law and its intricacies, it will not bring about any change in the political scenario in the country, unless the legislators desist from taking recourse to "number games" by paying any price for destabilising existing Governments and bringing into power new ones.

Having taken note of the above problems and some of the important/ controversial decisions of Presiding Offices, including the latest one taken by the Hon'ble Speaker of Goa Legislative Assembly which is still under adjudication processes, the Conference recommends that the Speaker, Lok Sabha may constitute a Committee of a few Presiding Officers to comprehensively review the Anti-Defection Law, particularly in the context of the working paper circulated by the Law Commission and present its report within six months."

PROCEDURES AND TIME MANAGEMENT OF THE HOUSE

2. "The principal problems in the proper management of the time of the Houses are: indecorous and indisciplined behaviour by members; unnecessary prolongation of the Zero Hour; inadequacy of the extant procedural devices to meet the requirements of the times; brief sessions of the legislative bodies which result in members getting less and less opportunities to ventilate the grievances of the people they represent and indifference being displayed by political parties towards the need to inculcate a sense of discipline in their members.

   With a view to ensuring better time management in the House as well as disciplined behaviour in the House, the Conference recommends:

   - Organisation of systematic training programme for inculcating a sense of discipline among the members.
   - Strict enforcement of the provisions of penalty contained in the rules against members who indulge in indisciplined behaviour.

- Greater coordination among the Presiding Officers, the Leaders of the Houses and Leaders of the Opposition.
- Proper regulation of the Zero Hour so that the members raise only very serious and urgent issues of public importance.
- Conformity to the decision of the Simla Conference of the Presiding Officers that smaller States should have at least 60 sittings in a year and larger States as well as Lok Sabha and Rajya Sabha 100 sittings in a year; these sittings should also be spelt out in terms of an organised calendar as far as practicable, each House deciding its own timings according to local requirements.

So far as the basic Rules of Procedure are concerned, there should be uniformity.

Committee System should be revamped so as to make it an effective forum for the members to deliberate on legislations, etc. rising above party considerations.

Provisions should be made in the Rules of the House to punish the members who disturb the President's Address or the Governor's Address. Disturbing these addresses should be construed as a breach of privilege of the members and contempt of the Houses.

The Conference recommends that the Speaker, Lok Sabha, may constitute a Committee of Presiding Officers for reporting within a period of six months, on procedural uniformity and time management."

CONFERENCE

3. The Conference unanimously adopted the following Resolution:

> "That a fund be constituted by annual contributions from different States and the Centre at such rates as may be fixed by the Conference in consultation with the respective Legislatures and the required expenses for the annual conference and the cost of administration of the activities of the Forum shall be wholly met out of that fund."

LEGISLATURE SECRETARIAT

4. The Conference adopted the following Resolution placed before it by the Conference of Secretaries of Legislative Bodies in India held in

September, 1998:

> "This All-India Conference of Secretaries of the Legislative Bodies held at New Delhi on the 21 September, 1998 resolves that the resolution passed by the Gandhinagar Conference regarding Independent and Separate Secretariat for the State Legislature be pursued vigorously.
>
> It further resolves that immediate steps be taken to upgrade the status of the Secretary of State Legislature in terms of rank and pay on the pattern of Parliament."

June, 2001

DISCIPLINE AN DECORUM

1. In regard to the need to evolve a code of conduct for legislators and steps to contain frequent adjournment of the Legislatures on account of interruptions/disruptions, it was the general opinion at the Conference that interruptions and obstructions during the Address by the President of India or the Governor are highly deplorable, and the members and leaders of parties and groups must cooperate to avoid such situations. There was consensus that demands to suspend the Question Hour, which provides prime time to members to seek information and ensure accountability of the Government, should be discouraged. It was also considered imperative that all Legislative Bodies should constitute Ethics Committees.

INFORMATION AND COMMUNICATION TECHNOLOGIES

2. There was a unanimity at the Conference on the need for harnessing information and communication technologies in the service of Legislatures and strenthening legislative libraries with computer connectivity, so that legislators get the latest, objective, authentic and timely information for their effective and meaningful participation in debates.

RULES OF PROCEDURE

3. The Conference considered and unanimously adopted the report of the Committee of Presiding Officers on 'Procedural Uniformity and Better Management of the Time of the House', which, *inter alia*, recommended:

> "(i) There should be some constitutional provisions regarding the minimum number of sittings of Legisaltures. It should be 100 sittings for the bigger States and 60 sittings for the smaller ones;

(ii) There should be more time available for non-Government Business and two days in a week should be allotted for Private Members' Business;

(iii) Ethics Committee or Code of Conduct Committees should be constituted to look into the conduct of members; and

(iv) There should be training programmes for the members in parliamentary procedure, practices, processes, etiquette and decorum."

ANNEXURE V

IMPORTANT COMMITTEES CONSTITUTED BY THE CONFERENCES OF PRESIDING OFFICERS OF LEGISLATIVE BODIES IN INDIA

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1. **THE COMMITTEE OF SPEAKERS ON THE "PROCEDURE TO BE ADOPTED WHEN A MEMBER OF PARLIAMENT OR A STATE LEGISLATURE COMMITS A BREACH OF PRIVILEGE IN RESPECT OF THE OTHER HOUSE OR ANOTHER LEGISLATURE OR ITS MEMBERS OR COMMITTEES THEREOF".**

   (Constituted by the Conference held in Shillong in November, 1955)

   Chairman : Shri D.K. Kunte, Speaker, Bombay Legislative Assembly.

- Report presented at the Conference held in Madras in September, 1956.

2. **THE COMMITTEE OF PRESIDING OFFICERS ON THE "FORMATION OF THE INTER-LEGISLATURE ASSOCIATION".**

   (Constituted by the Conference held in Madras in September, 1956)

   Chairman : Sardar Hukam Singh, Deputy Speaker, Lok Sabha.

- Report presented at the Conference held in Jaipur in October, 1957.

3. **THE COMMITTEE OF PRESIDING OFFICERS ON "THE PROPOSED INDIAN PARLIAMENTARY SERVICE AND THE EXTENT OF INDEPENDENCE OF STATE LEGISLATURE SECRETARIATS FROM THE EXECUTIVE".**

   (Constituted by the Conference held in Bombay in January, 1965)

   Chairman: Shri Kunji Lal Dubey, Speaker, Madhya Pradesh Vidhan Sabha.

- Report presented at the Conference held in New Delhi in October, 1966.

4. THE COMMITTEE OF PRESIDING OFFICERS ON:

(1) What conventions, traditions and other procedural devices are required to be adopted or evolved to enable the Parliament/Legislatures to function effectively and meet the new challenging situations witnessed in the country?

(2) What is the exact scope of the rule of *sub judice*, namely, that a matter whilst under adjudication by a court of law, should not be brought before the House by a motion or otherwise (except by means of a Bill) in relation to parliamentary proceedings?

(3) The extent of independence of State Legislature Secretariats from the Executive.

(4) The proposed Indian Parliamentary Service.

(Constituted by the Conference held in New Delhi in October, 1967)

Chairman : Shri V.S. Page, Chairman, Maharashtra Legislative Council *(Elected to the Chair on 25.5.1968* vice *Shri B. Vaikunta Baliga, Speaker, Mysore Legislative Assembly who was the Chairman but could not attend the meetings owing to illness).*

- Report presented at the Conference held in Trivandrum in October, 1968.

5. THE COMMITTEE OF PRESIDING OFFICERS ON:

(1) Draft Rules prepared in pursuance of the Decisions taken at the Emergent Conference of Presiding Officers held in New Delhi in April, 1968.

(2) Implications of the Judgement dated 30.7.1968 of the Supreme Court relating to the Punjab Appropriation Act, etc., insofar as the Presiding Officers and Legislatures are concerned.

(3) Unfinished work of the previous Committee of Presiding Officers (Page Committee).

(Constituted by the Conference held in Trivandrum in October, 1968)

Chairman: Shri Raghavji Leuva, Speaker, Gujarat Legislative Assembly (*Initially, the Committee was headed by Shri B.V. Subba Reddy, Speaker, Andhra Pradesh Legislative Assembly*).

- Report presented at the Conference held in Gandhinagar in December, 1973.

6. THE COMMITTEE OF PRESIDING OFFICERS ON "FUTURE PATTERN OF CONFERENCE OF PRESIDING OFFICERS".

(Constituted by the Conference held in Bhopal in October, 1971)

Chairman: Shri Raghavji Leuva, Speaker, Gujarat Legislative Assembly.

- Report presented at the Conference held in Gandhinagar in December, 1973.

7. THE COMMITTEE OF PRESIDING OFFICERS ON "COMMITTEE SYSTEM".

(Constituted by the Conference held in Bhubaneswar in January, 1978)

Chairman : Dr. M. Thambi Durai, Deputy Speaker, Lok Sabha *(Initially, the Committee was headed by Shri Ram Niwas Mirdha, Deputy Chairman, Rajya Sabha. Later, Shri G. Lakshmanan, Deputy Speaker, Lok Sabha took over as the Chairman).*

- Report presented at the Conference held in Lucknow in October, 1985.

8. THE COMMITTEE OF PRESIDING OFFICERS ON "NEED FOR A UNIFORM SET OF RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN ALL THE LEGISLATURES IN THE COUNTRY".

(Constituted by the Conference held in Bombay in January, 1984)

Chairman: Dr. M. Thambi Durai, Deputy Speaker, Lok Sabha. *(Initially, the Committee was headed by Shri G. Lakshmanan, Deputy Speaker, Lok Sabha).*

- Report presented at the Conference held in Srinagar in September, 1987.

9. THE COMMITTEE OF PRESIDING OFFICERS ON "ALL INDIA PRESIDING OFFICERS FORUM".

(Constituted by the Conference held in Calcutta in October, 1984)

Chairman : Dr. M. Thambi Durai, Deputy Speaker, Lok Sabha.

- Report presented at the Conference held in Dispur in January, 1989.

10. THE COMMITTEE OF PRESIDING OFFICERS ON "ALL INDIA PRESIDING OFFICERS FORUM".

(Constituted by the Conference held in Dispur in January, 1989)

Chairman: Shri Natwarlal C. Shah, Speaker, Gujarat Legislative Assembly.

- Report (Part-I) presented at the Conference held in Bhopal in September, 1989.

11. THE COMMITTEE OF PRESIDING OFFICERS ON "MEASURES TO PROMOTE HARMONIOUS RELATIONS BETWEEN THE LEGISLATURE AND THE JUDICIARY".

(Constituted by the Conference held in Madras in June, 1993)

Chairman: Shri Hashim Abdul Halim, Speaker, West Bengal Legislative Assembly.

- Report presented at the Conference held in Bhubaneswar in February, 1994.

12. THE COMMITTEE OF PRESIDING OFFICERS ON "PROCEDURAL UNIFORMITY AND BETTER MANAGEMENT OF THE TIME OF THE HOUSE".

(Constituted by the Conference held in New Delhi in September, 1998)

Chairman: Prof. Narayan S. Pharande, Chairman, Maharashtra Legislative Council.

- Report presented at the Conference held in Chandigarh in June, 2001.

13. THE COMMITTEE OF PRESIDING OFFICERS ON "TELECASTING OF THE PROCEEDINGS OF LEGISLATURES".

(Constituted by the Conference held in New Delhi in October, 1996)

Chairman: Smt. K. Prathibha Bharathi, Speaker, Andhra Pradesh Legislative Assembly. *(Initially, the Committee was headed by Shri P.A. Sangma, Speaker, Lok Sabha. Later, Shri G.M.C. Balayogi, Speaker, Lok Sabha took over as the Chairman).*

- The Committee is seized of the matter.

14. THE COMMITTEE OF PRESIDING OFFICERS TO "REVIEW THE ANTI-DEFECTION LAW".

(Constituted by the Conference held in New Delhi in September, 1998)

Chairman : Shri Hashim Abdul Halim, Speaker, West Bengal Legislative Assembly.

- The Committee is seized of the matter.

15. THE COMMITTEE OF PRESIDING OFFICERS TO GO INTO "DIFFERENT ASPECTS OF THE FUTURE PATTERN, INCLUDING FUNDING, OF THE CONFERENCE OF PRESIDING OFFICERS".

(Constituted by the Conference held in Hyderabad in May, 2000)

Chairman: Shri Dhirubhai Shah, Speaker, Gujarat Legislative Assembly.

- The Committee is seized of the matter.

16. THE COMMITTEE OF PRESIDING OFFICERS TO LOOK INTO "ALL ASPECTS OF THE OFFICE OF THE PRESIDING OFFICER".

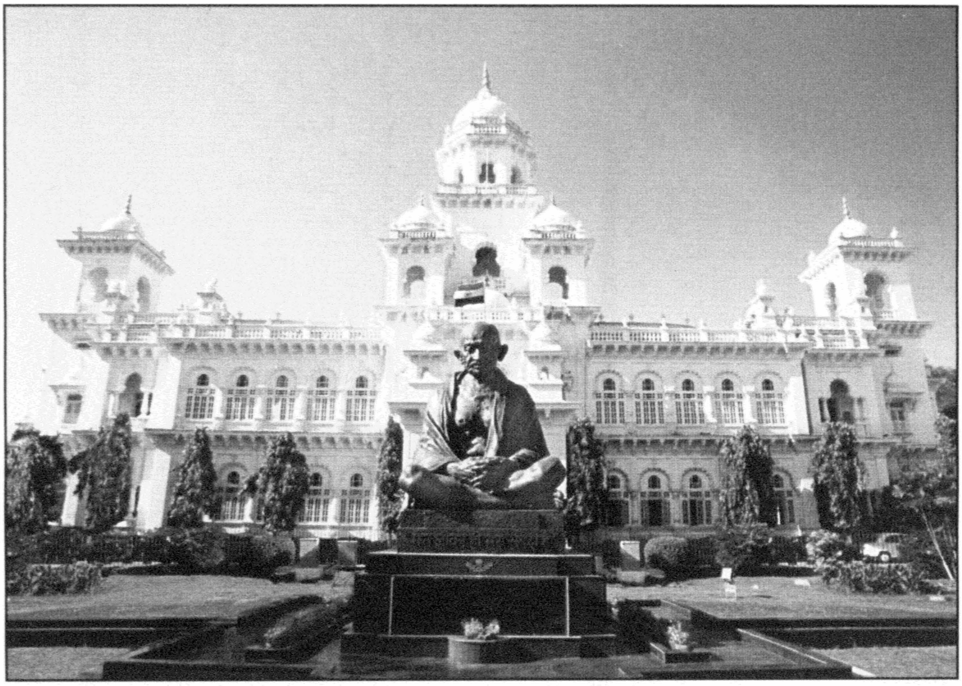
(Constituted by the Conference held in Hyderabad in May, 2000)

Chairman: Shri P.M. Sayeed, Deputy Speaker, Lok Sabha.

- The Committee is seized of the matter.

LEGISLATURE BUILDINGS IN INDIA

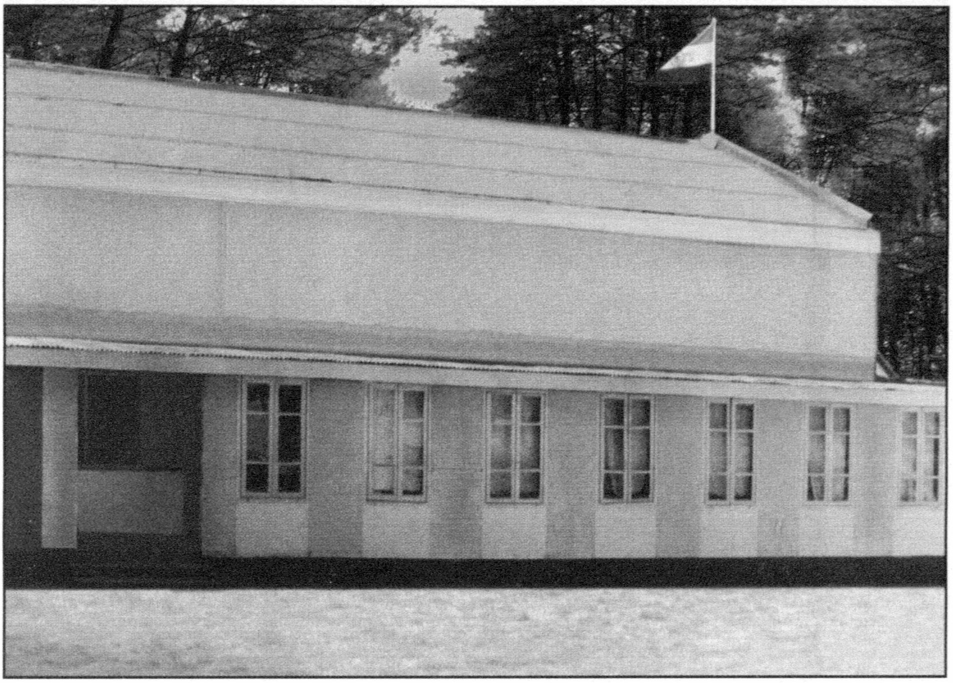
Parliament House



Andhra Pradesh Legislative Assembly Building

25 YEARS
OF
ARUNACHAL PRADESH
LEGISLATIVE ASSEMBLY

Arunachal Pradesh Legislative Assembly Building



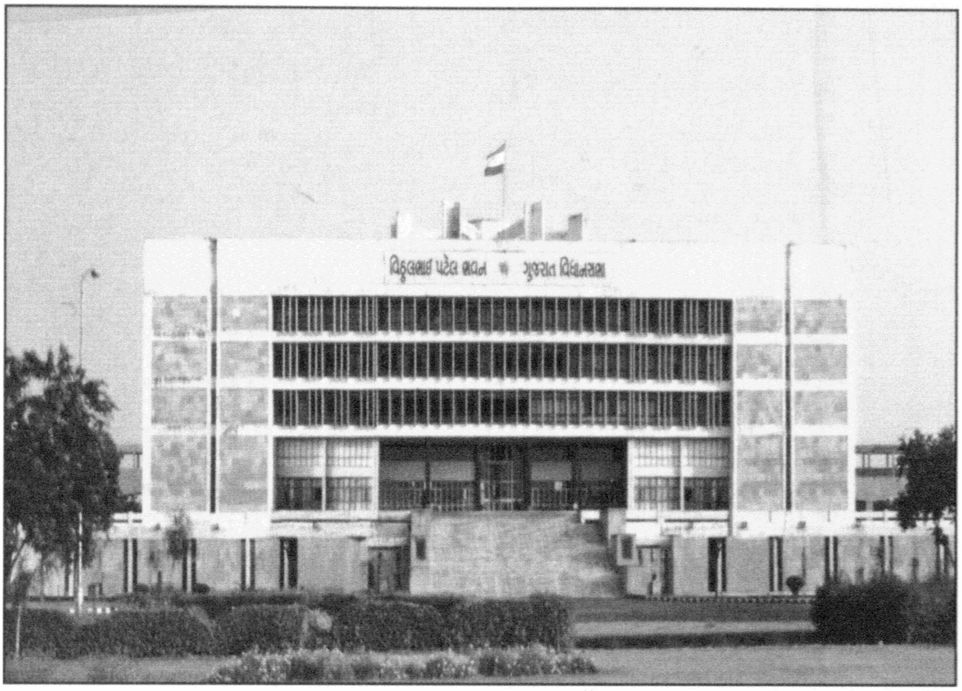
Assam Legislative Assembly Building

Bihar Legislature Building

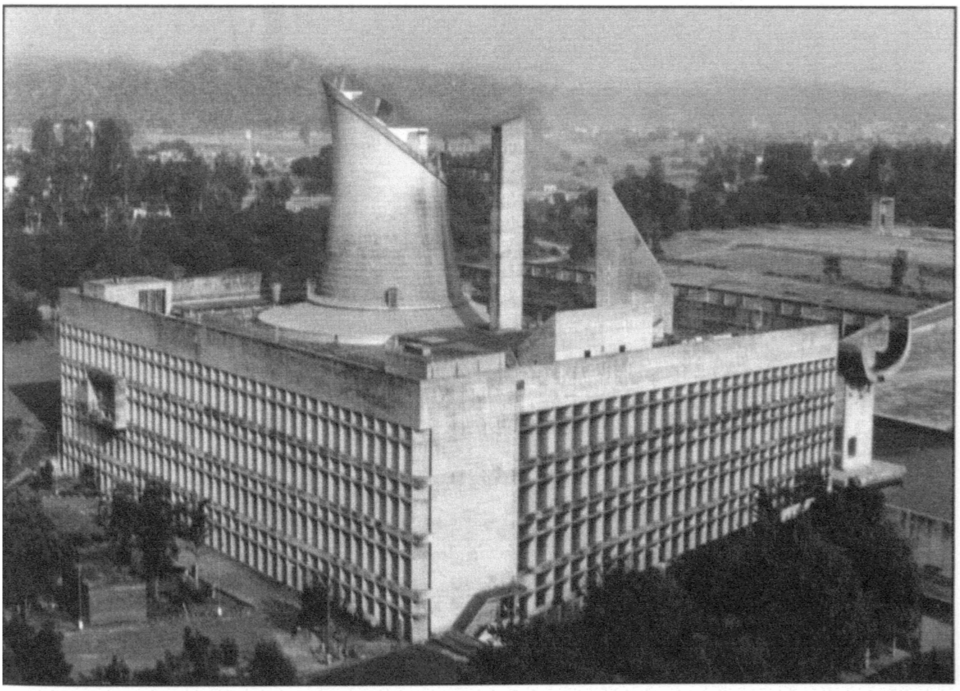
छत्तीसगढ़ विधान सभा

Chhattisgarh Legislative Assembly Building

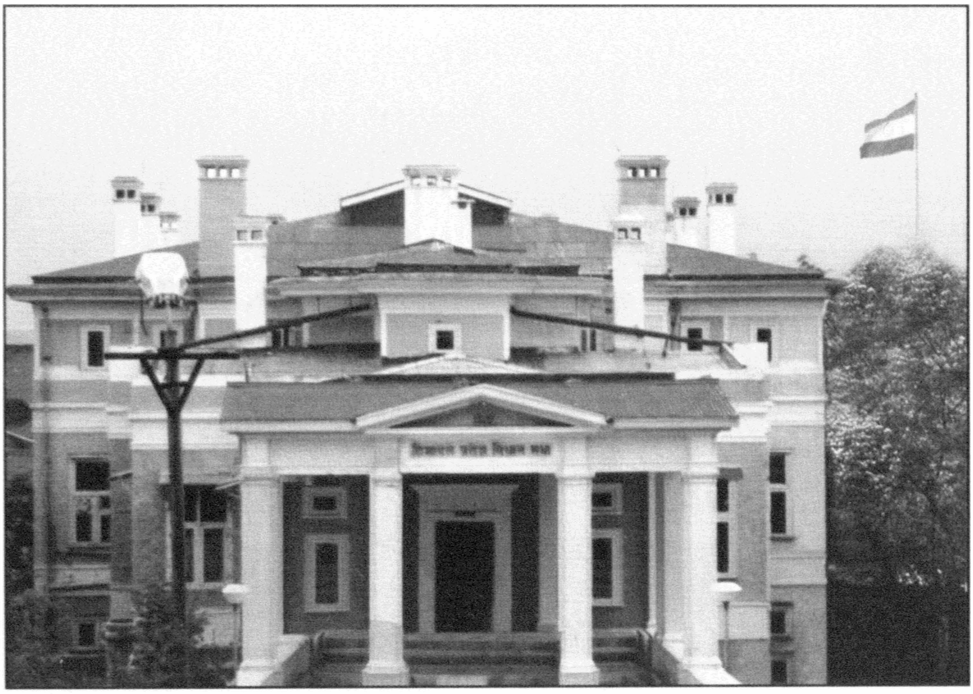
Goa Legislative Assembly Building


વિઠ્ઠલભાઈ પટેલ ભવન • ગુજરાત વિધાનસભા

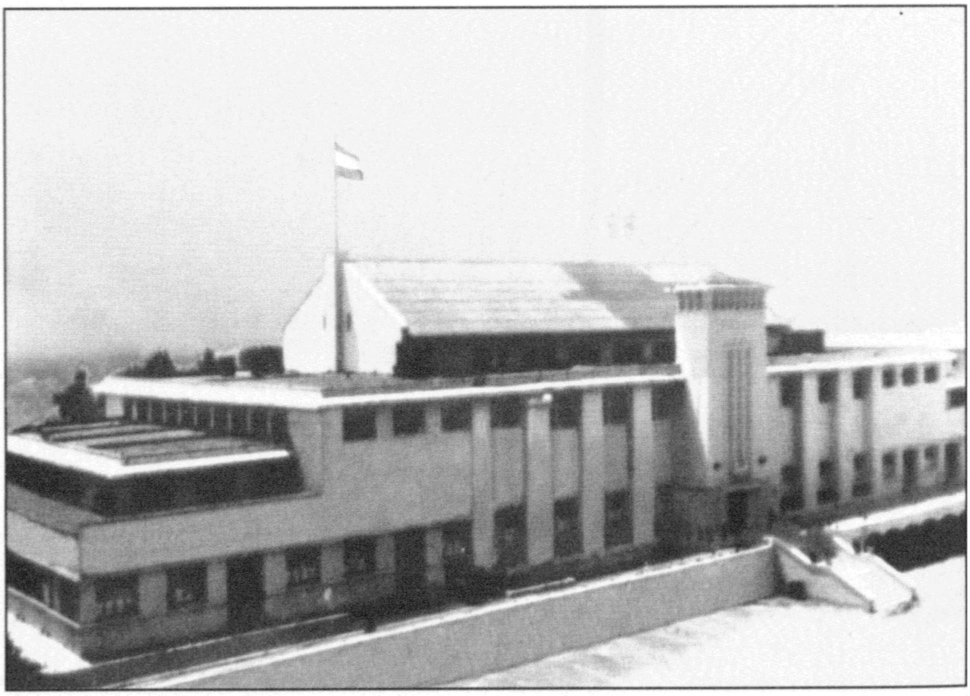
Gujarat Legislative Assembly Building



Haryana Legislative Assembly and Punjab Legislative Assembly Building



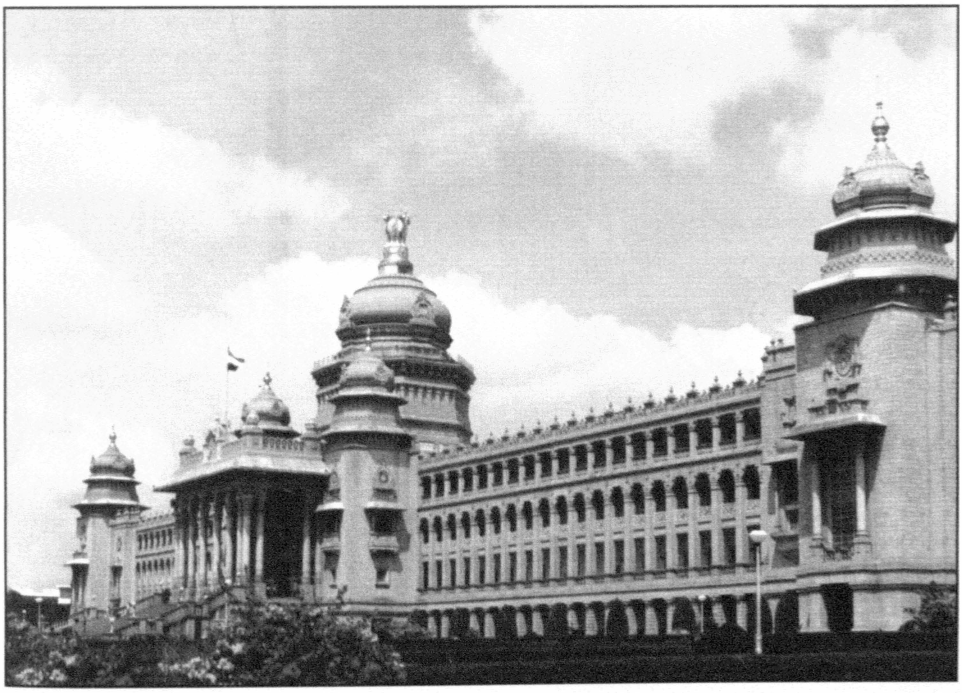
Himachal Pradesh Legislative Assembly Building



Jammu and Kashmir Legislature Building

झारखण्ड विधानसभा

Jharkhand Legislative Assembly Building



Karnataka Legislature Building

Kerala Legislative Assembly Building

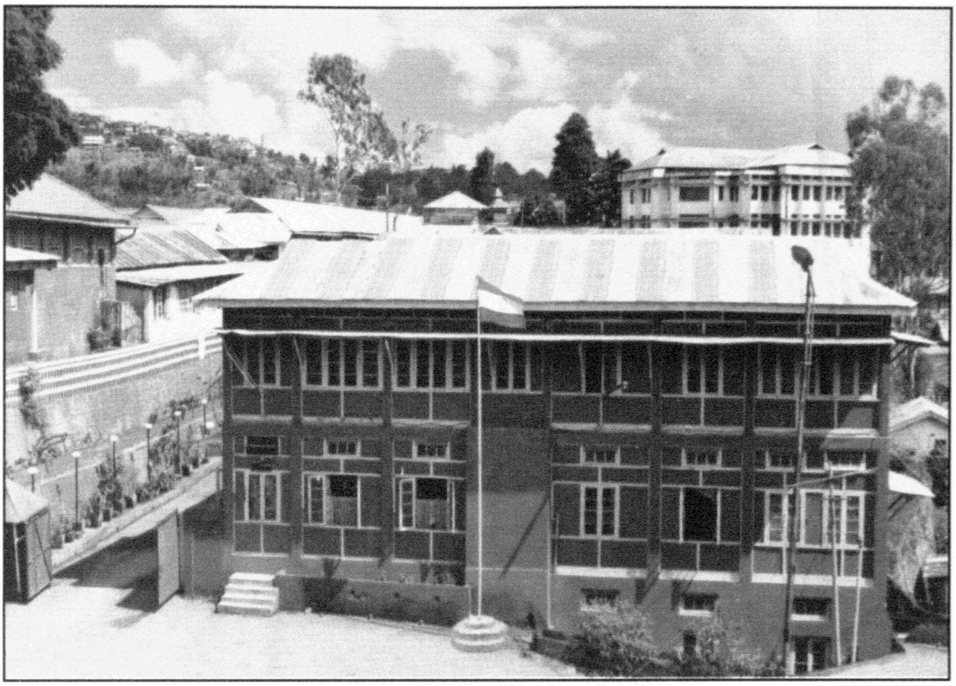
Madhya Pradesh Legislative Assembly Building

Maharashtra Legislature Building

Manipur Legislative Assembly Building

Meghalaya Legislative Assembly Building

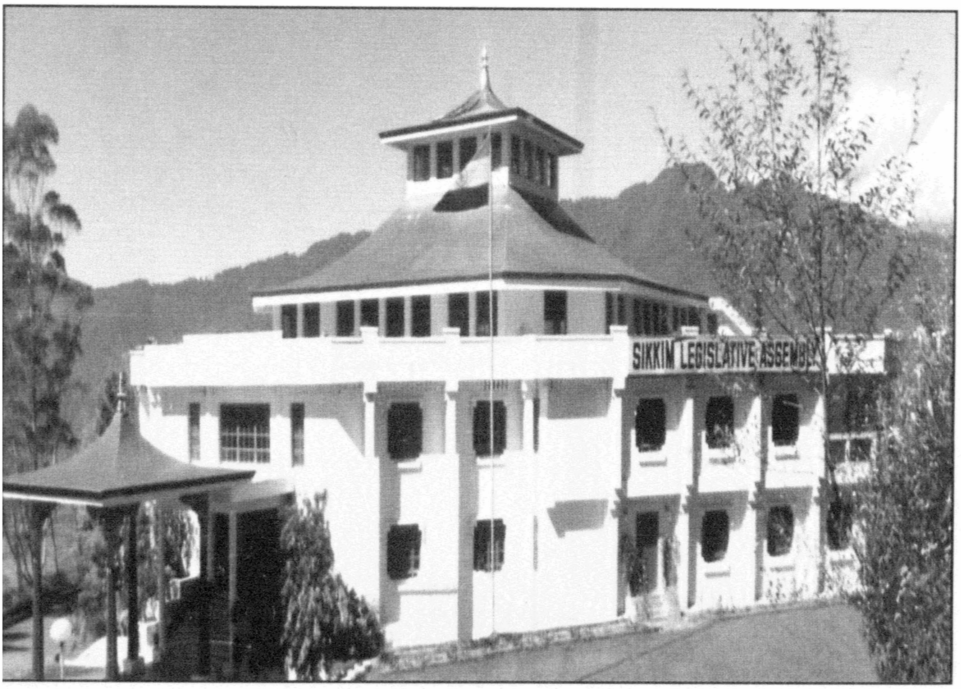
Mizoram Legislative Assembly Building



Nagaland Legislative Assembly Building

Orissa Legislative Assembly Building

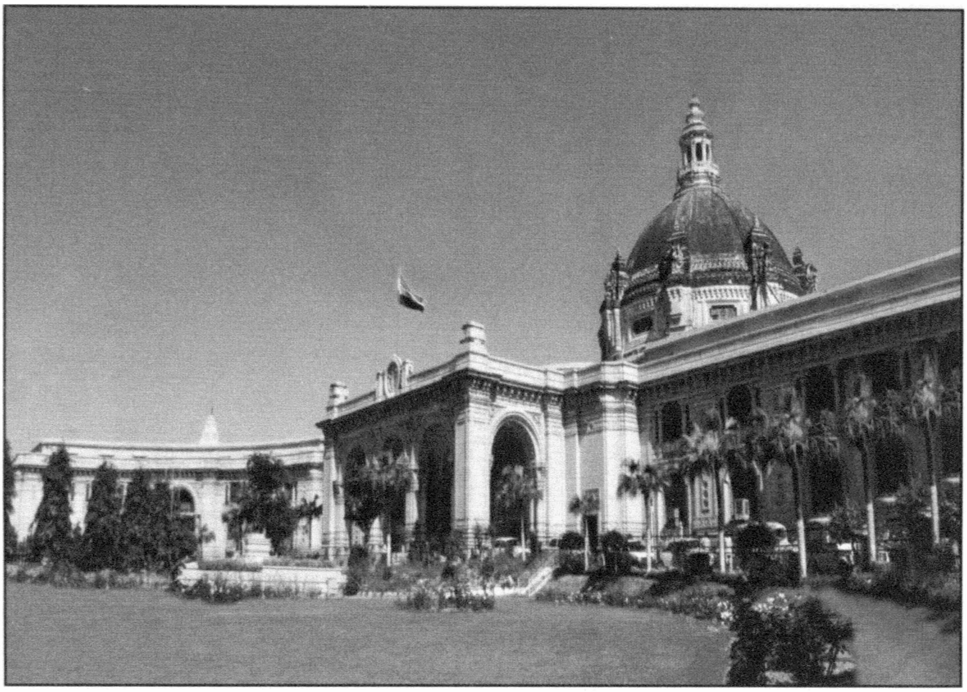
Rajasthan Legislative Assembly Building


SIKKIM LEGISLATIVE ASSEMBLY

Sikkim Legislative Assembly Building

Tamil Nadu Legislative Assembly Building

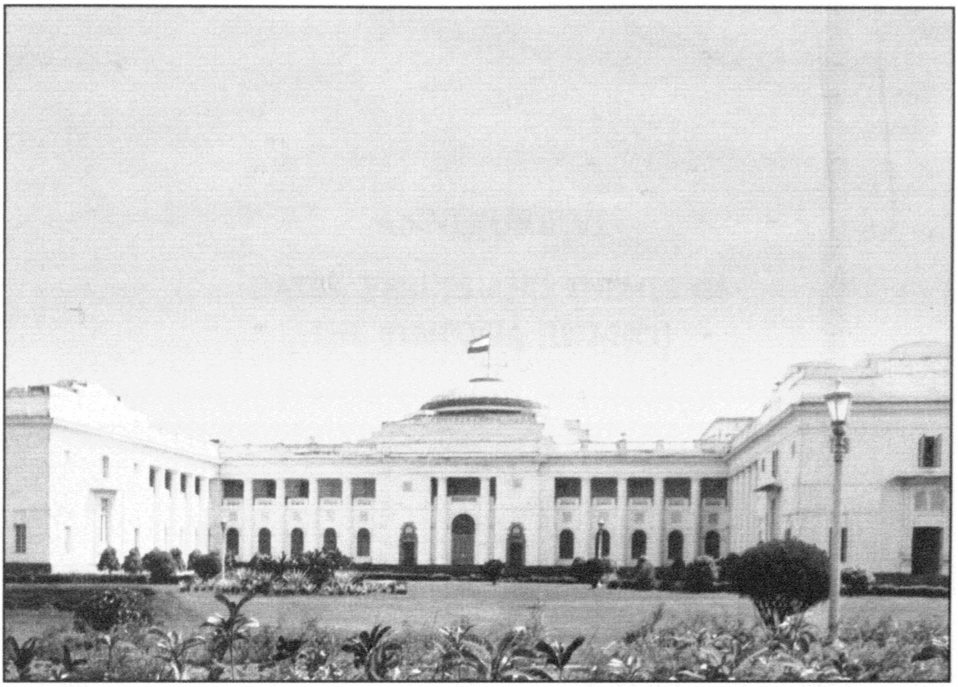
Tripura Legislative Assembly Building



Uttar Pradesh Legislature Building

विधानसभा भवन
उत्तरॉचल

Uttaranchal Legislative Assembly Building



West Bengal Legislative Assembly Building

Delhi Legislative Assembly Building

புதுவை அரசு,
சட்டப் பேரவை

Pondicherry Legislative Assembly Building

ANNEXURE VI

DATES, VENUES AND THEMES OF THE SYMPOSIA [1972-2001]

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1. **Madras**
   (5-6 October, 1972)

   (i) Legislature and Autonomous Bodies

   (ii) Jurisdiction of Parliament and State Legislatures—Respective Spheres of Work

(inaugurated by Dr. M. Karunanidhi, Chief Minister of Tamil Nadu)

2. **Gandhinagar**
   (30 December, 1973)

   Office of the Speaker and Independence of Legislature Secretariat

(Discussion initiated by Shri Chimanbhai Patel, Chief Minister of Gujarat)

3. **Shillong**
   (6 November, 1974)

   Role of Opposition in Legislatures in India

(dicussion initiated by Shri B.B. Lyngdoh, Minister of Finance and Parliamentary Affairs, Government of Meghalaya)

4. **Simla**
   (2 June, 1976)

   Need for Constitutional Reforms in the context of New Programme of Economic Growth and Social Justice

(inaugurated by Dr. Y.S. Parmar, Chief Minister of Himachal Pradesh)

5. **Bhubaneswar**
   (21 January, 1978)

   Role of Committees in calling the Executive to account — Existing Position and Possible Directions of Development

(inaugurated by Shri Nilamoni Routroy, Chief Minister of Orissa))

6. **Jaipur**
(23 October, 1978)

The Role and Duties of Members: Their Opportunities within the Framework of Parliamentary Procedure

(inaugurated by Shri Bhairon Singh Shekhawat, Chief Minister of Rajasthan)

7. **Bangalore**
(19 January, 1981)

Legislature and Social Change

(inaugural address of Chief Minister of Karnataka, Shri R. Gundu Rao, read out by Shri Y. Ramakrishna, Minister for Law & Parliamentary Affairs & Animal Husbandry, Government of Karnataka)

8. **Hyderabad**
(30 December, 1981)

Legislature as the Mirror of People's Aspirations—An Assessment and Task Ahead

(inaugurated by Shri T. Anjiah, Chief Minister of Andhra Pradesh)

9. **Patna**
(9 November, 1982)

Time of the House: Focus on Important Issues

(inaugurated by Dr. Jagannath Mishra, Chief Minister of Bihar)

10. **Bombay**
(4 January, 1984)

Parliament, People and Administration

(inaugurated by Shri Vasantrao Patil, Chief Minister of Maharashtra))

11. **Calcutta**
(31 October, 1984)

Parliamentary Decorum

(inaugurated by Shri Benoy Krishna Choudhury, Minister-in-charge of Land and Land Reforms Department, Government of West Bengal)

12. **Lucknow**
(28 October, 1985)

Legislators: Their Duties, Conduct and Responsibilities

(inaugurated by Shri Bir Bahadur Singh, Chief Minister of Uttar Pradesh)

13. **Delhi**
    (23 October, 1986)

    The Role of Legislatures in National Integration

(*inaugurated by Shri Jag Parvesh Chandra, Chief Executive Councillor of Delhi*)

14. **Srinagar**
    (18 September, 1987)

    Parliament and the Press in a Democratic Society

(*inaugurated by Shri Farooq Abdullah, Chief Minister of Jammu & Kashmir*)

15. **Dispur**
    (22 January, 1989)

    Budget Committees in Parliament and State Legislatures

(*inaugurated by Shri Prafulla Kumar Mohanta, Chief Minister of Assam*)

16. **Bhopal**
    (22 September, 1989)

    Erosion of the Parliamentary System in India

(*inaugurated by Shri Motilal Vora, Chief Minister of Madhya Pradesh*)

17. **Gandhinagar**
    (31 May, 1992)

    Interaction between Union and State Legislatures

(*inaugurated by Shri Chimanbhai Patel, Chief Minister of Gujarat*)

18. **Madras**
    (27 June, 1993)

    How to Raise the Level of Debate in the House?

(*inaugurated by Dr. J. Jayalalitha, Chief Minister of Tamil Nadu*)

19. **Bhubaneswar**
    (3 February, 1994)

    Accountability, Stability and Multi-Party System

(*inaugurated by Shri Biju Patnaik, Chief Minister of Orissa*)

20. **New Delhi**
    (12 October, 1996)

    Relationship between the Legislature, the Executive and the Judiciary and their Role in the Present Context

(*inaugurated by Shri P.A. Sangma, Speaker, Lok Sabha*)

21. Simla
(23 October, 1997)

Need for Constitution of Ethics Committees in Legislatures

(*inaugurated by Shri Virbhadra Singh, Chief Minister of Himachal Pradesh*)

22. New Delhi
(24 September, 1998)

Electoral Reforms

(*inaugurated by Shri G.M.C. Balayogi, Speaker, Lok Sabha*)

23. Hyderabad
(1 June, 2000)

Coalition Governance and Political Stability

(*inaugurated by Shri N. Chandrababu Naidu, Chief Minister of Andhra Pradesh*)

24. Chandigarh
(30 June, 2001)

Indian Legislatures—Vision for 21st Century.

(*inaugurated by Shri Prakash Singh Badal, Chief Minister of Punjab*)

ANNEXURE VII

DATES AND VENUES OF THE CONFERENCES OF SECRETARIES OF LEGISLATIVE BODIES IN INDIA

[1953-2001]

1.	23 October, 1953	Gwalior
2.	21 June, 1954	Srinagar
3.	5 January, 1955	Rajkot
4.	1 November, 1955	Shillong
5.	16 September, 1956	Madras
6.	13 October, 1957	Jaipur
7.	7 October, 1958	Darjeeling
8.	20 January, 1960	Hyderabad
9.	30 December, 1960	Bangalore
10.	30 December, 1961	Lucknow
11.	5 January, 1964	Patna
12.	10 January, 1965	Bombay
13.	14 and 16 June, 1966	Bangalore*
14.	16 October, 1967	New Delhi
15.	20 and 21 January, 1968	Chandigarh*
16.	29 December, 1969	Panaji
17.	14 July, 1970	Srinagar
18.	26 October, 1971	Bhopal
19.	4 October, 1972	Madras
20.	28 December, 1973	Gandhinagar
21.	4 November, 1974	Shillong

22.	22 August, 1975	New Delhi
23.	30 May, 1976	Simla
24.	13 and 14 January, 1977	New Delhi*
25.	17 and 18 January, 1978	Bhubaneswar
26.	20 October, 1978	Jaipur
27.	16 January, 1981	Bangalore
28.	27 December, 1981	Hyderabad
29.	6 November, 1982	Patna
30.	1 January, 1984	Bombay
31.	28 October, 1984	Calcutta
32.	25 October, 1985	Lucknow
33.	20 October, 1986	Delhi
34.	15 September, 1987	Srinagar
35.	19 January, 1989	Dispur
36.	19 September, 1989	Bhopal
37.	28 May, 1992	Gandhinagar
38.	24 June, 1993	Madras
39.	4 February, 1994	Bhubaneswar
40.	9 October, 1996	New Delhi
41.	20 October, 1997	Simla
42.	21 September, 1998	New Delhi
43.	29 May, 2000	Hyderabad
44.	27 June, 2001	Chandigarh

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* Starting 1953, the Conference has been held alongside the Conference of Presiding Officers of Legislative Bodies in India except in June, 1966, January, 1968 and January, 1977 when the Conference met even though there was no Conference of Presiding Officers during these occasions.

ANNEXURE VIII

CHAIRPERSONS OF THE CONFERENCES OF SECRETARIES OF LEGISLATIVE BODIES IN INDIA [1953-2001]

	Name of Chairperson		Session of Conference
1.	Shri M.N. Kaul	-	October, 1953
			June, 1954
			January, 1955
			November, 1955
			September, 1956
			October, 1957
			October, 1958
			January, 1960
			December, 1960
			December, 1961
			January, 1964
2.	Shri B.N. Banerjee	-	January, 1965
			June, 1966
			January, 1968
			December, 1969
			July, 1970
			October, 1972
			December, 1973
			November, 1974
			August, 1975
3.	Shri S.L. Shakdher	-	October, 1967
			October, 1971
			May, 1976
			January, 1977
4.	Shri S.S. Bhalerao	-	January, 1978
			October, 1978
			January, 1981

5.	Shri Avtar Singh Rikhy	-	December, 1981 November, 1982
6.	Shri Sudarshan Agarwal	-	January, 1984 October, 1984 October, 1985 October, 1986
7.	Dr. Subhash C. Kashyap	-	September, 1987 January, 1989 September, 1989
8.	Shri C.K. Jain	-	May, 1992 June, 1993 February, 1994
9.	Smt. V.S. Rama Devi	-	October, 1996
10.	Shri S. Gopalan	-	October, 1997 September, 1998
11.	Shri G.C. Malhotra	-	May, 2000 June, 2001

ANNEXURE IX

SUBJECTS DISCUSSED AT THE CONFERENCES OF SECRETARIES OF LEGISLATIVE BODIES IN INDIA [1953-2001]

GWALIOR

(23 October, 1953)

1. Matters relating to Organisation of a Society of Secretaries.

SRINAGAR

(21 June, 1954)

1. Matters relating to the Indian Parliamentary Service.

RAJKOT

(5 January, 1955)

1. INDIAN PARLIAMENTARY SERVICE

Presentation of the Report of the Committee appointed by the Conference of Secretaries to suggest a scheme for the proposed Indian Parliamentary Service. (*West Bengal Legislature)*

2. LEGISLATURE SECRETARIAT

(a) Functioning of Legislature Secretariats (*West Bengal Legislature)*

(b) Whether there should be a joint Secretariat or separate Secretariats for the Houses of a State Legislature which has two Houses? *(Madras Legislature)*

3. COMMUNICATION WITH GOVERNOR

If any powers or functions pertaining to a Legislature Department are assigned to the Governor under any rules, what should be the mode of communication between the Legislature Department and the Governor? Should it be direct through the Governor's Secretary or through any Department of Government? *(Bombay Legislature)*

4. CONFERENCE OF SECRETARIES

Desirability of holding the Conference of Secretaries a day prior to the Conference of Presiding Officers *(Madhya Pradesh Vidhan Sabha)*

5. QUESTIONS

Comparative study of procedure relating to asking and answering of Questions in the various Legislatures. *(Lok Sabha)*

SHILLONG

(1 November, 1955)

1. LEGISLATION

Whether the previous sanction of the President is necessary to a Bill which seeks to impose a tax on the entry of goods for sale in a particular area and whether the Chair is entitled to disallow the introduction of such a Bill if there is no previous sanction? *(West Bengal Assembly)*

2. LEGISLATURE SECRETARIAT

(a) Where the Secretary to the Legislature is the appointing and punishing authority for the non-gazetted staff, what is the extent of control exercised by the Presiding Officers over the Secretary in the matter of appointment or punishment of the above staff? *(Madras Legislature)*

(b) In which authority the administrative control of a Legislature Secretariat should vest when a Proclamation is issued by the President under article 356 of the Constitution assuming to himself the function of the Government of a State so that the independent status assigned to such Secretariat by article 187 is not disturbed and how this object should be achieved? *(PEPSU Vidhan Sabha)*

3. FINANCIAL COMMITTEES

The necessity to have qualified staff trained in finance and accounts work to be exclusively attached to the Legislature Secretariat to help the work of the Financial Committees (*Mysore Legislature)*

4. INDIAN PARLIAMENTARY SERVICE

5. ELECTRIC VOTE-RECORDER EQUIPMENT.

MADRAS

(16 September, 1956)

1. PRESIDING OFFICERS

Whether it is not open to the Speaker to furnish on his own authority without consulting the State Government, the information to an outsider as to whether a particular paper was placed on the Table or not? (*Madras Legislature)*

2. DELEGATED LEGISLATION

(*a*) What procedure should the Speaker prescribe for the House or the Committee on Delegated Legislation to adopt for the discussion of rules, regulations and bye-laws made in the form of subordinate or delegated legislation?

(*b*) Whether the rules and regulations which do not require approval of the Legislature nor are required to be laid on the Table are beyond the parliamentary control? Can they be scrutinised by the Committee on Delegated Legislation or amended or annulled by the Legislature?

(*c*) Whether the rules which are required to be laid on the Table for a certain period or otherwise require approval of the Legislature, can be amended or annulled:

  (*i*) after expiry of the period of laying without any objection,

  (*ii*) if amendments have been tabled within time but were not discussed, nor time for discussion demanded and the time expired, and

  (*iii*) if amendments were tabled within time, and discussion was also demanded, but the Government got the matter postponed for want of time and thereafter the time expired without discussion? *(Uttar Pradesh Legislature)*

3. PAPERS LAID ON THE TABLE

If a document is required to be laid before the House for a certain period for purpose of its approval by the House subject to such modification by way of repeal or amendment as the House may make and if before the expiry of that period the House adjourns *sine die* followed by prorogation, is it necessary to lay the document again in the next session for that prescribed period? *(Punjab Vidhan Sabha)*

4. FINANCIAL COMMITTEES

Should the Supplementary Estimates which are examined by the Estimates Committee before their presentation to the Assembly be approved by the Committee or only considered by it? *(Punjab Vidhan Sabha)*

5. *SUB JUDICE*

Can a Department of the Government decline to furnish information to a Committee of the House on a matter pending before a court of law? *(Punjab Vidhan Sabha)*

6. LEGISLATION

(a) When a Bill is so amended in the Legislative Assembly or the Legislative Council, as the case may be, the original Statement of Objects and Reasons becomes inapposite and requires modification, whether the necessary amendments may be made therein at the instance of the Government or under the direction of the Speaker or the Chairman as the case may be? *(Punjab Vidhan Sabha)*

(b) What should be done when a Bill passed by the Assembly and laid before the other House in the State cannot be passed by it owing to its prorogation within the period of three months? *(Punjab Vidhan Sabha)*

(c) Retention of a copy of assented Bill in the Legislature Secretariat. *(Mysore Legislature)*

JAIPUR

(13 October, 1957)

1. ADJOURNMENT MOTIONS

The Rules of Procedure in the various States, including Lok Sabha, provide that the right to move an Adjournment Motion shall be subject to the following conditions among others:

> "that not more than one such motion shall be made at the same sitting."

In case the Speaker gives his consent and asks the member to obtain the leave of the House to move the motion and the House refuses to grant such leave, whether the rest of the motions can be taken up on that day? *(Uttar Pradesh Assembly)*

2. LEGISLATION

(a) What procedure should be adopted if in the case of a Statutory Resolution ratifying the Bills passed by the Parliament, there is a difference of opinion in the respective Houses of the State Legislature? *(Punjab Vidhan Sabha)*

(b) What arrangements should there be in Legislature Secretariats for drafting of (i) Government Bills; and (ii) Private Members' Bill? *(Assam Assembly)*

3. BUDGET

It is not necessary that Grants obtained on Vote on Account should be excluded from being put to the vote of the House at the time of the regular Estimates being presented to the House *(Uttar Pradesh Assembly)*

4. COMMITTEES

Whether Chairman of the Legislature Committee can amend minutes of dissent to the Report of the Committee and if so, to what extent? *(Bombay Legislature)*

5. CASTING VOTE

Is it in consonance with the spirit of article 189(1) to provide for casting or second vote for the Chairman of a Committee of the House when the Presiding Officers in the House have been denied the right to vote in the first instance? *(Uttar Pradesh Assembly)*

6. QUESTIONS

(a) Is it not desirable to adopt a uniform practice with regard to the supply of copies of replies to Questions to members putting those Questions? *(Punjab Vidhan Sabha)*

(b) (i) Whether the classification of Questions as starred and unstarred should rest with the member giving notice of the Question or it should be done by the Secretariat of the Legislature?

(ii) If the latter, whether there should not be criteria common to all Legislatures in India on which such classification is to be based? *(Assam Assembly)*

7. AMENDMENTS TO CONSTITUTION

Whether there should not be a set of rules common to all Legislatures in India for dealing with direct communications from the Houses of Parliament relating to the ratification of amendments to the Constitution under article 368 thereof? *(Assam Assembly)*

8. MEMBERS

(a) Whether allocation of seats to members inside the House should be done by the Speaker or should it be left to the Whips of different parties to allocate seats within the block allotted by the Speaker? *(Assam Assembly)*

(b) Whether there should be rostrums in the House or the members should speak from their respective seats? *(Assam Assembly)*

(c) From which date a member of Legislature is entitled to salary? *(Bombay Legislature)*

(d) When a member resigns his seat by writing under his hand, does his seat become vacant from and inclusive of the date of his letter or from the particular time on that date, if indicated in that letter? *(Bombay Legislature)*

9. PROROGATION

What should be the effect of prorogation of a House on:

(i) notices pending in the Secretariat of the House,

(ii) business, other than Bills, pending in the House, and

(iii) Committees of the House or Joint Committees of the two Houses on matters other than Bills? *(Uttar Pradesh Council)*

DARJEELING

(7 October, 1958)

*1. FURTHER CONSIDERATION OF THE POINT:

What procedure should be adopted if in the case of a Statutory Resolution ratifying the Bills passed by the Parliament, there is a difference of opinion in the respective Houses of the State Legislature?

*2. FURTHER CONSIDERATION OF THE POINT:

Whether there should not be a set of rules common to all Legislatures in India for dealing with direct communications from the Houses of Parliament relating to the ratification of amendments to the Constitution under article 368 thereof?

*3. FURTHER CONSIDERATION OF THE POINT:

Is it not necessary that Grants obtained on Vote on Account should be excluded from being put to the vote of the House at the time of the regular Estimates being presented to the House?

*4. FURTHER CONSIDERATION OF THE POINT:

Is it not desirable to adopt a uniform practice with regard to the supply of copies of replies to Questions to members putting those Questions?

*5. FURTHER CONSIDERATION OF THE POINT:

From which date a member of the Legislature is entitled to salary?

*6. FURTHER CONSIDERATION OF THE POINT:

When a member resigns his seat by writing under his hand, does his seat become vacant from and inclusive of the date of his letter or from the particular time on that date, if indicated in that letter?

7. GOVERNOR'S ADDRESS

What procedure should be followed in case the Governor is unable for reasons of health or otherwise to Address the House as required under article 176 of the Constitution of India? *(Rajasthan Assembly)*

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*Points Nos. 1 to 6 were remitted to the Committee of Secretaries by the previous Conference of Secretaries held at Jaipur in 1957.

8. PRESIDING OFFICERS

Where should the Deputy Speaker or the Deputy Chairman sit in the House? *(Bombay Legislature)*

9. LEGISLATION

(a) Retention of a copy of assented Bill in the Legislature Secretariat—Whether Government of India may be requested to get three copies of all Bills requiring assent of the President signed by him? *(Mysore Legislature)*

(b) Does an Appropriation Bill of a State Legislature require recommendation under article 207(3) of the Constitution of India? *(Bombay Legislature)*

(c) Whether it is appropriate to introduce a Bill containing provisions for the imposition of new duties or for alteration in the existing rates of duties and involving expenditure out of the Consolidated Fund of a State before the relevant Budget Demand for the year is voted upon? *(Punjab Vidhan Sabha)*

10. OATH BY MEMBERS

(i) Can a member of the House be elected or nominated to a Committee before taking the oath prescribed by article 188 of the Constitution?

(ii) If the reply to the above be in the affirmative, then can he take a seat in the Committee before taking the said oath and without incurring the penalty prescribed by article 193 of the Constitution? *(Uttar Pradesh Assembly)*

11. MOTIONS

(i) Whether in respect of certain fixed period motions like Adjournment Motions, Half-an-Hour Discussion Motions, it is open to the House to increase their time for discussion?

(ii) If the reply to the above be in the affirmative, then can it be done only when the House is unanimous or can it be done even by a majority vote? *(Uttar Pradesh Assembly)*

12. PUBLIC ACCOUNTS COMMITTEE

What is the position of the Accountant-General (or Comptroller and Auditor-General of India) in the work of the Public Accounts Committee? *(Mysore Legislature)*

HYDERABAD

(20 January, 1960)

1. CONSIDERATION OF THE REPORT OF THE COMMITTEE OF SECRETARIES ON:

Whether it is competent for the Jail Authorities to withhold correspondence addressed to the Speaker and the Chairman and officials of the Legislature Secretariat by the members of the Legislature who are under detention or in imprisonment and whether such withholding of correspondence would involve a breach of privilege either of the member concerned or of the House of which he happens to be a member?

2. CONSIDERATION OF THE REPORT OF THE COMMITTEE OF SECRETARIES ON:

Whether the Presiding Officer should have power to withhold his consent to the raising of a question involving a breach of privilege and if so, what should be the effects of such withholding of consent?

3. CONSIDERATION OF THE REPORT OF THE COMMITTEE OF SECRETARIES ON:

Position of the Legislature Secretariat in a State of which the President has, under article 356 of the Constitution, assumed to himself the functions of the Government.

BANGALORE

(30 December, 1960)

1. LEGISLATURE SECRETARIAT

Whether exemption granted to the staff of Parliament in terms of item (3) of sub-section (I) of the section 3 of the Employment Exchange (Compulsory Notification of Vacancies) Act, 1959 (Act No. 31 of 1959) should not be made applicable to the staff of State Legislatures also? *(Mysore Legislature)*

2. PRIVILEGES

(a) (i) Whether there is a *prima facie* case for breach of privilege or contempt of the House, if at a meeting of a statutory body a member of the said body casts reflection on the conduct of a member of the Legislature remarking that the speech delivered by the member of the Legislature on the floor of the House was unwarranted and gets a resolution passed by the body asking the member to tender unqualified apology for what he had said in the House?

(ii) If the decision on the issue raised is held to be in the affirmative, who—whether the offending member or all the members of the statutory body who voted for the resolution—should be called to appear before the Committee of Privileges? *(West Bengal Council)*

3. PRESIDING OFFICERS

Are the disciplinary powers of the Chairman or Speaker for maintaining order and regulating debates in addition to the powers of the House for punishing breach of privileges or are they in substitution thereof? *(Uttar Pradesh Legislature)*

4. LEADER OF THE OPPOSITION

What position and rank should be assigned to the Leader of the Opposition on the occasion of State functions and ceremonies? *(Maharashtra Legislature)*

5. CUT MOTIONS

Whether a member of the Government party should give notice of cut motions? *(Bihar Vidhan Sabha)*

LUCKNOW

(30 December, 1961)

1. GENERAL DISCUSSION

On matters of mutual interest.

PATNA

(5 January, 1964)

1. APPROPRIATION ACT

Whether it is in order for the State Government to authorise expenditure by simply providing in the Appropriation Act, without bringing in a Bill under article 207(3) of the Constitution which requires recommendation of the Governor for consideration of a Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of a State and also without apprising or taking approval of the Legislature as to the policy of providing free legal assistance to tenants in certain cases? *(Punjab Council)*

2. COMMITTEES

(a) In view of Supreme Court judgement in Writ Petition No. 176 of 1959, Pandit M.S.M. Sharma *Vs.* Dr. Shri Krishna Sinha and others, is it not necessary to amend the Rules of Procedure in a Legislature relating to Committees, specially the Committee of Privileges? *(Bihar Assembly)*

(b) Whether the Committee on Subordinate Legislation is not competent to examine rules which have not been framed in pursuance of the power delegated under any enactment but are, so to say, "administrative"? *(Punjab Council)*

3. RULES

Whether it is valid for the State Government to frame rules without any statutory authority, especially when the term "rule" has been defined in the Punjab General Clauses Act, 1888 as a rule made in exercise of the power conferred by an enactment and includes a "regulation" made as a rule under any enactment? *(Punjab Council)*

BOMBAY

(10 January, 1965)

1. COMMITTEES

Is it proper that it should be obligatory and not discretionary for the Committee on Petitions to report to the House on specific complaints and to suggest remedial measures as provided in Rule 307(3) of the Lok Sabha (fifth edition) and similar rules of certain State Legislatures? *(Gujarat Assembly)*

2. MEMBERS

(a) Whether the principle of intimating the arrest, detention, release, etc., of a member of a State Legislature to the authorities concerned in that State may be extended to the arrest, detention, release, etc., of a member of other State Legislatures also on reciprocal basis? *(Madras Assembly)*

(b) Whether the seat of a member of the Assembly becomes vacant for any reasons other than those mentioned in article 190 of the Constitution? *(Madras Assembly)*

3. ORDINANCE

Whether the Governor can prorogue the Assembly and promulgate an Ordinance on one and the same day? *(Andhra Pradesh Legislature)*

4. LEGISLATION

When a Bill is introduced in the House (after leave is granted) and before it is published in the Gazette, can the mover of the Bill request the Presiding Officer to delete certain portions of the Statement of Objects and Reasons to the Bill? Can his request be complied with when the Bill is seized of by the House? *(Andhra Pradesh Legislature)*

BANGALORE

(14 and 16 June, 1966)

1. ROLE OF SECRETARY

The role of Secretary when a Point of Order is raised without notice and also when there is pandemonium in the House. *(Mysore Legislature)*

2. RULINGS, ETC., IN ENGLISH

The necessity of maintaining the rulings of the Presiding Officers and the summary of the Legislature proceedings in English, in view of the States having adopted regional languages as their official languages and in view of the proceedings conducted mostly in those languages *(Maharashtra Legislature)*

3. MONEY BILLS

What is the procedure that should be adopted in the Upper House of a bicameral Legislature for the passing of Money Bills received from the Assembly:

(i) Whether there should be three readings even in the case of Money Bills as in the case of ordinary Bills and if so, what is the form of motion that should be proposed at the second and third reading stages?

(ii) If the Council has no recommendations to make, should a Money Bill be passed as in the case of any other Bill? Can a member claim a division on the motion 'that the Bill be passed', and what is the form of message that should be sent to the Lower House if the motion is negatived? *(Madras Council)*

4. LAYING OF STATUTORY RULES

Whether the failure of the Government to lay on time on the Table of the House the rules framed pursuant to delegated legislation requiring that such rules shall be subject to modification or annulment within a prescribed time by the Legislature can be construed as a contempt of the House and, therefore, a breach of privilege? *(Madras Assembly)*

5. BILL—RECOMMENDATION

If a Private Member's Bill after introduction (for which no recommendation from the Governor is necessary) is found to require the recommendation of the Governor at the consideration stage under article 207(3) of the Constitution, and if such recommendation does not come, whether the Bill should be kept pending indefinitely or it should lapse? *(Assam Assembly)*

6. BILL—FINANCIAL MEMORANDUM

What is the correct procedure for a private member to prepare the Financial Memorandum to a Bill? *(Assam Assembly)*

NEW DELHI

(16 October, 1967)

1. GENERAL DISCUSSION

On matters of mutual interest.

CHANDIGARH

(20 and 21 January, 1968)

1. FUNCTIONS OF THE PRESIDENT/GOVERNOR

(a) What is the exact connotation of the expression "in the exercise of his functions" used in articles 74 (1) and 163 (1) of the Constitution?

(b) Whether the President/Governor is bound by the advice given to him by the Council of Ministers in respect of his legislative and judicial functions? *(Lok Sabha)*

2. MEMBERS—DIRECT ACCESS TO HEAD OF STATE

(i) Whether individual members of a House of Parliament or of the Legislature of the State can have direct access to the Head of the State in respect of matters connected with the composition of the House or the strength of parties in the House or in respect of matters affecting the State and the business of the House?

(ii) Conversely, whether the Head of the State can entertain such members and meet them for such purposes without the approval of the House?

(iii) Whether such action would amount to breach of privilege? *(West Bengal Legislature)*

3. PRESIDING OFFICERS—POWER TO ADJOURN HOUSE

(a) Can a Presiding Officer of a House of Legislature sit in judgement over the action of the Governor in appointing the Chief Minister and the other Ministers, and if he disagrees with him, can he refuse to recognise the Chief Minister and his Ministry and adjourn the House and refuse to transact any business in the House?

(b) Should we not adopt the practice obtaining in the House of Commons, namely, to adjourn the House every day on a motion moved by a member of the Government for that purpose and to empower the Presiding Officer to adjourn the House only when there is a grave breach of peace and order inside the House? *(Madras Council)*

PANAJI

(29 December, 1969)

1. SECRETARY—ROLE OF

Resolution passed in the Assembly urging Government to inquire into the allegations raised on the floor of the House against Ministers—obligation, if any, on the part of the Legislature Secretariat to collect and supply extracts of proceedings containing allegations to Government—role, if any, of the Secretary in the follow-up action. *(Kerala Assembly)*

SRINAGAR

(14 July, 1970)

1. NOTICES ISSUED BY COURTS TO MEMBERS

Whether it is desirable to devise a special form of notices for use by High Courts/Supreme Court in cases where Presiding Officers or members of Legislatures are involved as parties in respect of their speeches in the Legislatures or any other matter connected with the business of the House? *(Lok Sabha)*

2. PRIVILEGES COMMITTEE

Whether the Committee of Privileges should permit cross-examination of witnesses? *(Mysore Legislature)*

3. PRESIDING OFFICERS

Can a motion of breach of privilege or contempt of the House arise against the Presiding Officer of a House of the Legislature? *(Bihar Assembly)*

4. SECRETARY—ROLE OF

(a) Whether the Secretary of the Legislative Assembly who is also *ex officio* Secretary to the Assembly Committees is entitled to put questions on behalf of the Committees to the Departmental Witnesses who are Secretaries to Government appearing before the Assembly Committees as such. If so, whether such authorisation should be expressed before the witnesses or it may be implied? *(Assam Assembly)*

(b) Role of Secretary in Financial Committees: Secretary to clarify the questions of the Chairman of the Committee. *(Tripura Assembly)*

BHOPAL

(26 October, 1971)

1. GENERAL DISCUSSION

On matters of mutual interest.

MADRAS

(4 October, 1972)

1. Need for the proper staffing of the Legislature Secretariats. *(U.P. Vidhan Sabha)*

GANDHINAGAR

(28 December, 1973)

1. If any legislator can claim any privilege on the ground that he was beaten by the police when under custody, arrest being made in C.P.C. and I.P.C. and if it is a breach of privilege if a member is hand-cuffed and roped after arrest in criminal case? *(Tripura Assembly)*

2. (i) When a Minister gives reply to some Question in the House, it so happens, at times, that the member-in-charge of the Question or any other member putting a supplementary challenges the reply on the ground of personal knowledge. Quite often, both sides asume assertive attitude and they offer to resign from public life if their statement is proved to be false and a request is made to the Speaker to appoint a Committee to verify the truth and to report. Similar situation at times arises even when any member makes a statement by way of personal explanation

   (ii) What should be the advice of the Secretary to the Speaker on such occasions? *(Bihar Assembly)*

3. Can the Committee on Public Accounts examine the reports of the Comptroller and Auditor-General of India relating to the appropriation accounts before they are laid on the Table of the House? *(Pondicherry Assembly)*

4. Formulation of a centralised training programme on Parliamentary Practice and Procedure. *(Rajasthan Assembly)*

SHILLONG

(4 November, 1974)

1. Report of the Committee of Secretaries (Hanumanthappa Committee) on Staffing Pattern in the Legislature Secretariats

2. Status of the Secretaries of Legislatures *(Bihar Council)*

3. Whether a Minister can claim privilege from laying on the Table any document which he quotes during the debate on grounds of public interest in each and every case or whether the Presiding Officer has any discretion to direct the Minister to lay the document in appropriate cases *(Karnataka Legislature)*

4. What should be the attitude of the Assembly and the Assembly Secretariat in cases where the recommendations of the Committees, including the Special Committees, are not timely implemented by the State Government? *(Bihar Assembly)*

NEW DELHI
(22 August, 1975)

1. Need for special procedure in Legislatures during Emergency

2. Matters relating to Commonwealth Parliamentary Conference to be held in New Delhi.

SIMLA
(30 May, 1976)

1. Report of the Committee of Secretaries (Hanumanthappa Committee) on Staffing Pattern in the Legislature Secretariats (Vol.I).

NEW DELHI
(13 and 14 January, 1977)

1. Discussion on the Report of the Committee of Secretaries on Staffing Pattern in the Legislature Secretariats (Hanumanthappa Committee Report—Vols. I & II).

BHUBANESWAR
(17 and 18 January, 1978)

1. LEGISLATURE SECRETARIAT—STAFFING PATTERN

- *(a) Report of the Committee of Secretaries on Staffing Pattern in the Legislature Secretariats (Hanumanthappa Committee Report—Vols. I & II)

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*Discussed partly at the Conference of Secretaries held in New Delhi on 13 and 14 January, 1977.

(b) Amendment of the Government of Union Territories Act, 1963 to provide for separate Secretariats for Legislatures of Union Territories as provided for State Legislatures under article 187 of the Constitution *(Arunachal Pradesh Assembly)*

(c) Should the exemption allowed under section 3(1)(e) of the Employment Exchange (Compulsory Notification of Vacancies) Act, 1959 be extended to the State Legislatures? *(Meghalaya Assembly)*

(d) What are the powers, privileges and immunities, if any, of the officers and staff of the State Legislature Secretariats in relation to the duties and functions discharged by them? *(Rajasthan Assembly)*

2. AUTHENTICATION OF GOVERNOR'S ORDERS

Whether authentication of the orders of the Governor in relation to various administrative and financial sanctions concerning the Legislature Secretariat should be done by the Secretary of the Legislature or the Secretary of the Administrative Department of the Government which acts as the communicating channel between the Legislature and the State Government? *(West Bengal Assembly)*

3. PARLIAMENTARY COMMITTEES

(a) Whether record of evidence given before a Committee of the Legislature, which has not been published, could be produced before an Inquiry Commission appointed under the Commissions of Inquiry Act? *(Karnataka Legislature)*

(b) Whether the Legislature Committees should examine the Municipal Commissioner/Managing Director in connection with matters pertaining to Corporations or Public Undertakings which are under consideration of the Committee? *(Maharashtra Legislature)*

(c) Whether Committees of Legislature can examine the officers of Legislature Secretariat just as they examine the officers of other Departments of Government? *(Andhra Pradesh Legislature)*

4. COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

Desirability of constitution of Committee on the Welfare of Scheduled Castes and Scheduled Tribes by the Legislatures of Union territories. *(Pondicherry Assembly)*

JAIPUR

(20 October, 1978)

1. ELECTION OF SPEAKER

Whether it is necessary for the Deputy Speaker or the person appointed to discharge the functions of the Speaker under article 180, to resign his office of the Deputy Speaker or Speakership *pro tem* if he wants to contest the election to the office of the Speaker? *(Maharashtra Legislature)*

2. ADJOURNMENT MOTION/PRIVILEGE MATTER

To what extent the Presiding Officer should allow members to make their submissions while urging the Speaker/Chairman to give his consent for an Adjournment Motion or a privilege matter? *(Karnataka Assembly)*

3. AMENDMENT OF CONSTITUTION—RATIFICATION

Whether it is advisable that a time-limit should be fixed for the ratification of the amendment of the Constitution by the State Legislatures under article 368 thereof and that before the expiry of the said time-limit, the Bill amending the Constitution should not be presented to the President for assent even if the necessary number of ratifications are obtained in the meantime? *(West Bengal Assembly)*

4. MINISTER'S REPLY TO DEBATES

Whether the Minister of State or Deputy Minister or Parliamentary Secretary of a particular Department can reply to the debate when the Minister-in-charge of that Department is present in the House? *(Maharashtra Legislature)*

5. ARREST/RELEASE OF MEMBERS

If a member is arrested and released on bail on the same day, is it obligatory on the part of the executive authority to intimate the release of the member to the Speaker before the member attends the meeting of the Legislative Assembly on that day? *(Pondicherry Assembly)*

6. PARLIAMENTARY COMMITTEES

(a) When a member of a Committee nominated by Presiding Officer sends his letter of resignation from that Committee, does it take effect automatically, or is it open to the Presiding Officer to accept or not to accept the member's resignation? *(U.P. Vidhan Parishad)*

(b) Procedure for dealing with the unfinished work of a Committee (*Tripura Assembly*)

7. GOVERNMENT BUSINESS

(i) Whether all Government business, *i.e.*, Bills, discussion on reports, answers to Questions, etc. lapses *ipso facto* on the resignation of the Ministry while the Assembly session is continuing,

(ii) If so, should the Governor prorogue the Assembly for sometime to enable the new Government to supply new business to the Assembly, and

(iii) If not, is it possible for the new Government belonging to different parties to adopt the pending business, including the financial one, and proceed with the remaining portion of the session? *(Maharashtra Legislature)*

BANGALORE

(16 January, 1981)

1. LEGISLATURE SECRETARIAT

(a) How far and to what extent consultation with the Finance Department is necessary in deciding the conditions of service of the employees of the Legislative Assembly Secretariat provided for in the Rules regulating the recruitment and conditions of service of employees of the Assembly Secretariat made under article 187 (3) of the Constitution? *(Tripura Assembly)*

(b) The position of the Speaker as Head of the Legislature Secretariat *vis a vis* the Governor (*Himachal Pradesh Vidhan Sabha*)

(c) Parliamentary Reporters—need for avenues of promotion in view of dearth of applicants *(Himachal Pradesh Vidhan Sabha)*

2. OATH/AFFIRMATION

Whether a member of the Legislature can make and subscribe an oath or affirmation outside the House and if so, whether he should sign the Roll of Members at the time of making and subscribing an oath or affirmation or in the House in the ensuing session? In such a case, when is a member deemed to have taken his seat in the House for the purpose of drawing his salary and allowances? *(Arunachal Pradesh Assembly)*

3. PUBLIC ACCOUNTS COMMITTEE

What should be the recommendation of the Public Accounts Committee in the case of excess revealed in C.A.G's Report but on investigation the Committee finds that the excess was due to wrong debiting of expenditure and was not a real excess? *(Arunachal Pradesh Assembly)*

4. COMMERCIAL AGENCIES FOR PARLIAMENTARY WORK

How far is it open to a private person to run parliamentary service for drafting notices of various motions to members, either for consideration or otherwise? Is it open to such an agency to write letters to the Speaker or others about the Legislature Secretariat or about the rulings of the Chair and comment upon them in the guise of criticising the Secretariat? *(Tamil Nadu Assembly)*

5. POWERS OF THE SPEAKER

(a) Does the Speaker have the authority to delegate his powers to the Deputy Speaker in his absence for dealing with administrative matters concerning the Assembly Secretariat and motions, etc. in relation to the business of the House? If not, how should these matters be regulated? *(Rajasthan Assembly)*

(b) Is it necessary to submit files pertaining to the business of the First Session of the newly elected Legislative Assembly to the Speaker who would vacate his office immediately before the first meeting of the Assembly after the dissolution? *(Pondicherry Assembly)*

6. PROROGATION

Order of prorogation of State Assembly. *(Meghalaya Assembly)*

HYDERABAD

(27 December, 1981)

1. SITTINGS OF THE HOUSE

Whether it will be appropriate for the Governor to draw up calendar of sittings for a session of the Assembly and as such determine the duration of the session? *(Orissa Assembly)*

2. QUESTIONS

(a) Should Questions, either not answered during a session or till the subsequent session, lapse?

(b) What effective method should be evolved to ensure timely replies to Questions? *(Bihar Vidhan Sabha)*

3. PRIVILEGES

(a) Need to define "Parliamentary Duties" in the context of changing circumstances

(b) Of late, the Himachal Pradesh Vidhan Sabha Secretariat has been receiving complaints from MLAs stating that when they meet officials about the problems of their constituencies, they are not treated well or even insulted; they are also not given precedence in the matter of seating at functions organised by the State Government. The MLAs seek to raise those matters as issues of privilege

How should such complaints be dealt with by the Legislature Secretariat? *(Himachal Pradesh Vidhan Sabha)*

4. COMMITTEES

(a) Whether a Committee of State Legislature can summon an official of the Central Government to appear before it and give evidence or produce records? If so, what procedure should be adopted in such cases? *(West Bengal Assembly)*

(b) Is the presence of the Accountant-General necessary at the sitting of the Committee on Public Accounts/Committee on Public Undertakings to consider draft Report of the Committee? *(Tripura Assembly)*

5. DEBATES

While a member is speaking in the House, no objection is taken to any portion of his speech either by another member or by the Chair. Can the Chairman or the Speaker order expunction from such speech and if so, in what circumstances? *(Uttar Pradesh Council)*

6. LEGISLATURE SECRETARIAT

(a) Role of Legislature Secretariat in making the working of the Committees more effective (*Himachal Pradesh Vidhan Sabha*)

(b) Independence of the State Legislature Secretariat *(Rajasthan Assembly)*

(c) Model rules regulating the conditions of service of State Legislature Secretariats *(Himachal Pradesh Vidhan Sabha)*

(d) Need to have a centralised agency for filling up vacancies in the Legislature Secretariats. *(Arunachal Pradesh Assembly)*

PATNA

(6 November, 1982)

1. MEMBERS

Can a member who has not taken the oath be present in the House to hear the Governor's Address and sign the Attendance Register? Will he be entitled to draw D.A. for that day? *(Andhra Pradesh Council)*

2. QUESTIONS

What can be the remedy for important Questions lapsing for the reason that they failed to secure priority in the ballot? *(Rajasthan Assembly)*

3. ZERO HOUR

Procedure for regulating Zero Hour *(Rajasthan Assembly)*

4. PUBLIC ACCOUNTS COMMITTEE

Whether a Secretary to Government can refuse to furnish a file required by the Public Accounts Committee on the ground that the matter under consideration by the Committee is not covered by Audit Report? *(Karnataka Legislature)*

BOMBAY

(1 January, 1984)

1. SUMMONING AND PROROGATION

Whether a standard proforma in Hindi and English should be prepared for notifications regarding summoning and prorogation of the House by the Governor under article 174 of the Constitution? *(Uttar Pradesh Vidhan Sabha)*

2. GOVERNOR'S ADDRESS

Whether the amendments moved by a member to the Motion of Thanks on the Governor's Address can be edited, modified or rejected by the Secretary of the House? *(Uttar Pradesh Vidhan Sabha)*

3. PRECEDENCE OF BUSINESS

Which of the three notices is to be taken up first in the House: (1) Zero Hour; or (2) Adjournment Motion; or (3) Calling Attention Motion, when all the three are to be raised just after Question Hour and before the List of Business for the day is entered upon? What should be the order of their raising in the House when notices for all the three are there for any particular day? (*Bihar Council*)

4. INTRODUCTION OF BILLS

If a motion for leave to introduce a Bill is opposed in the House and the Speaker reserves his ruling, what procedure should be followed when the ruling is delivered in the House by the Speaker? *(Uttar Pradesh Vidhan Sabha)*

5. PRIVATE MEMBERS' BILLS

Scrutiny of Private Members' Bills from the point of view of legality or otherwise of the provisions contained therein *(Orissa Assembly)*

6. MOTION RE. JUDGES

(i) What is the scope of discussion in Parliament or in a State Legislature under articles 121 and 211 of the Constitution with special reference to the purport or ambit of the expression "in the discharge of his duties",

(ii) What are the items that would fall outside the scope of the expression mentioned in (i) above,

(iii) Can the conduct of Judges of subordinate judiciary, (a) in the discharge of their duties, or (b) outside the same, be freely discussed in Parliament and the State Legislature? *(Tamil Nadu Assembly)*

7. ANNUAL REPORTS OF AUTONOMOUS BODIES

Desirability of placing Annual Reports/Accounts of the Statutory Corporations and Public Undertakings on the Table of the Legislature (*Tripura Assembly*)

8. MEMBERS—SALARY AND ALLOWANCES

Whether or not members of a Legislature are legally entitled to receive their salary and allowances from the date of the declaration of results of the election? *(Assam Assembly)*

9. MEMBERS—SECRETARIAL ASSISTANCE

Secretarial assistance to M.L.As—scope and extent *(Rajasthan Assembly)*

10. SUPPLY OF PROCEEDINGS

Is it desirable or feasible to supply certified copies of proceedings (or extracts thereof) of the Assembly, before they are printed, to any person in general and to an M.L.A. or M.L.A.s in particular, who ask for them, on payment or otherwise? *(Rajasthan Assembly)*

CALCUTTA

(28 October, 1984)

1. OFFICE OF THE SPEAKER

What would be the procedure to regulate the duties of the office of the Speaker in case he resigns either before or immediately after dissolution of the House? *(Tripura Assembly)*

2. GOVERNOR

What should be the role of the Governor under article 187 of the Constitution in matters relating to the services of the Assembly Secretariat—whether he must consult the State Government before passing orders on such matters in view of clause (1) of article 187? *(Rajasthan Assembly)*

3. LEGISLATURE SECRETARIES

Whether the Secretary of Legislative Assembly or Legislative Council is an officer of the State Legislature within the meaning of aticle 212 (2) of the Constitution? *(Uttar Pradesh Vidhan Sabha)*

4. RESOLUTIONS

Whether the Resolutions passed by the Assembly are mandatory in character or they are mere recommendations? *(Bihar Vidhan Sabha)*

5. COMMITTEE ON PETITIONS

(i) Whether an adverse action taken by the Executive authority in a matter of public interest during its pendency for consideration before the Committee on Petitions will amount to contempt of the Committee?

(ii) Whether in such cases the Committee on Petitions, apprehending some adverse action by the Executive for the purpose of frustrating the investigation by the Committee, can issue directions to the Executive authority to refrain from doing so before the presentation of the preliminary or final report thereon in the House? *(Bihar Vidhan Sabha)*

6. CENSURE NOTICES AGAINST MINISTERS

Should there be separate and specific provision in the Rules of Procedure and Conduct of Business in regard to censure notices against individual Ministers of Cabinet so as to avoid frequent and irresponsible mud-slinging against them? *(Rajasthan Assembly)*

7. REPORTS OF INQUIRY COMMISSION

Any Report of the Inquiry Commission appointed under the Commissions of Inquiry Act, 1952 (Central Act 60 of 1952) has to be placed before the Legislative Assembly together with the action taken by the Government on its recommendations:

(i) If a member releases a copy of the Report otherwise than in the House before the Government lays the same on the Table of the House, does he commit any breach of privilege or any other parliamentary offence?

(iii) Is it open to the Government to release such Report without placing the same before the House? *(Tamil Nadu Assembly)*

8. ORDINANCE

Where an Ordinance promulgated under articles 123 or 213 of the Constitution is withdrawn before the commencement of the session, is it obligatory to lay copies of such Ordinance on the Table of the House? *(Uttar Pradesh Vidhan Sabha)*

LUCKNOW

(25 October, 1985)

1. LIST OF BUSINESS

If no notice was received either from the Government or from private members for any business in a sitting of the Legislative Assembly, what is to be done insofar as the preparation of List of Business for the first sitting after the summoning of the Legislative Assembly is concerned? *(Pondicherry Assembly)*

2. PRIVATE MEMBER'S BILL

Where a Private Member's Bill is introduced in the Legislature in any language other than English, what procedure should be followed for publishing its English translation in the Official Gazette under article 348(3) of the Constitution? *(Uttar Pradesh Vidhan Sabha)*

3. PRIVILEGES

Whether an independent member or the staff reporter or both will be guilty of committing a breach of privilege for publication of a news items based on the statement alleged to have been made by the member at a Press Conference who is reported to have said that a particular member who is a leader of an all India political party staged walk-out along with other members of the Opposition taking advantage of printing mistake in a particular Demand for Grants although the relevant proceedings of the House indicated that the cause of walk-out was not the alleged printing mistake but a ruling from the Chair? What action should be initiated if the member does not apologise? *(Assam Assembly)*

4. ABSENCE FROM THE SITTINGS OF THE HOUSE

How long can a member remain absent from the sittings of the House on medical ground without ceasing the membership of the House under the provision of clause (4) of article 190 of the Constitution? *(Assam Assembly)*

5. MEMBERS

Whether a member of Legislative Assembly who is detained or imprisoned or suspended from the service of the House can participate in the elections for the membership of the Rajya Sabha or to the Legislative Council or to any Committee of the Assembly? *(Uttar Pradesh Vidhan Sabha)*

6. VACATION OF SEATS IN THE HOUSE

From which date a member's seat in the House should be declared vacant after his resignation has been accepted by the Speaker under article 190(3) of the Constitution? *(Uttar Pradesh Vidhan Sabha)*

7. PRESENTATION OF COMMITTEE REPORT

In case the Chairman of a Committee could not present himself in the sitting of the House on the day the report of the Committee is to be presented in the House, is it necessary to intimate his absence to the Speaker? Secondly, is it necessary to intimate to the Speaker the name of the member of the Committee who has been authorised to present the report of the Committee? Thirdly, is it necessary to make amendment to this effect in the Rules of Procedure? *(Rajasthan Assembly)*

8. UNFINISHED WORK OF COMMITTEES

What is the effect of dissolution of the House on business pending before its various Committees? *(Uttar Pradesh Vidhan Sabha)*

9. LEGISLATURE SECRETARIAT

Extent of jurisdiction of the Executive authorities over the rules framed by the Governor after consultation with the Speaker in respect of conditions of services of the employees of the Legislature Secretariat with special reference to articles 162 and 187 of the Constitution *(Tripura Assembly)*

10. PRESIDING OFFICERS' CONFERENCE

What ways and methods can be there to make the recommendations of this Conference, especially those pertaining to the relations between the Government and the Secretariat of the House, effective? *(Rajasthan Assembly)*

DELHI

(20 October, 1986)

1. FINANCE/FINANCIAL BILLS

(a) Validity of recommendation given by one Governor in one session under article 207(1)/207(3) for another session when the incumbent in the office of Governor has changed meanwhile *(Tamil Nadu Assembly)*

(b) (i) Is attaching a copy of Governor's recommendation for introduction of Finance Bill with his signature obligatory for consideration of Finance Bill?

(ii) Is recommendation of Governor necessary for consideration of a Finance Bill which is purely a Money Bill? (*Rajasthan Assembly*)

2. PARLIAMENTARY COMMITTEES

(a) Role of associate members of Legislative Council in Public Accounts Committees and other similar Committees in regard to convenorship of sub-committee, quorum and voting? *(Uttar Pradesh Vidhan Sabha)*

(b) Can functions of Committee on Papers laid on the Table be performed by the Secretariat of a Legislature which has not constituted such Committee? (*West Bengal Assembly*)

3. ALL INDIA PARLIAMENTARY SERVICE

Creation of All India Parliamentary Service to improve the present conditions of service of officers in Parliament/State Legislatures. *(Mizoram Assembly)*

SRINAGAR

(15 September, 1987)

1. DEMANDS FOR GRANTS

Who should select the Demands for Grants for discussion—whether the privilege of selection of Demands for discussion should be given to the Opposition only or it is the responsibility of the Business Advisory Committee? Who should initiate the discussion on Demands for Grants—whether the Opposition or the Treasury Bench? *(Orissa Assembly)*

2. MOTIONS/RESOLUTIONS

While taking decision on the admissibility of a motion, what should be the criteria for applying the "Rule of Anticipation" regarding motions? *(Uttar Pradesh Vidhan Sabha)*

3. NO-CONFIDENCE IN THE MINISTRY

If the Government fails to get a Money Bill or a particular Demand for Grant passed otherwise than by a snap poll, whether such failure should be regarded as a no-confidence in the Ministry? *(Assam Assembly)*

4. SELECT COMMITTEES

Can a Bill, after the consideration motion of which has been adopted and certain clauses also have been adopted, be referred to a Select Committee and if so, what would be the fate of the debate and the clauses already adopted? (*Orissa Assembly*)

5. SPEECHES BY MEMBERS

If Finance Minister is obstructed and physically prevented from reading the prepared Budget Speech, can the whole speech be taken as read and form part of the proceedings of the day? *(Orissa Assembly)*

6. INDIAN PARLIAMENTARY SERVICE.

DISPUR

(19 January, 1989)

1. SPEECH BY MEMBER ON DEMANDS FOR GRANTS

Whether the member who has not given notice of any kind of cut motion on a Demand for Grant should be allowed to speak and raise specific grievances during Budget discussion on that Demand simply because other members of his party have moved some cut motions on that Demand? *(West Bengal Assembly)*

2. QUESTIONS

Whether Questions seeking information as regards estimates of some projects/schemes taken up for implementation during the forthcoming financial year should be answered before presentation of the Budget to the House? *(West Bengal Assembly)*

3. PRIVILEGES

When a notice of breach of privilege or contempt of the House is tabled against a Minister for allegedly supplying wrong information and the Speaker wants to obtain full facts from the Minister before giving his ruling, should the notice be issued to the member who supplied the impugned information as a Minister or to his successor who has in the meantime assumed the charge of the concerned Department? *(Uttar Pradesh Vidhan Sabha)*

4. CHANGE IN NAME BY MEMBER

Can a member, after taking oath in the name notified by the Election Commission, change his name by making affidavit and should the Speaker accept the changed name for the purposes of the business of the Assembly? *(Orissa Assembly)*

5. PROCEEDINGS OF THE HOUSE

Should a starred Question (with its written answer) of an absentee member form part of the proceedings of the House? *(Orissa Assembly)*

6. SUPPLEMENTARY GRANTS

What procedure should be adopted if a large sum of money is to be spent without delay on 'New Service/New Instrument of Service' out of the Contingency Fund while the Assembly is in session and approval of Supplementary Grants by the House is likely to take some time? *(Rajasthan Assembly)*

7. PARLIAMENTARY PUBLICATIONS

Sale of Parliamentary Publications through the Secretariats of State Legislatures. *(Lok Sabha)*

8. MODEL PARLIAMENTS

Inter-University Competition on Model Parliaments. *(Lok Sabha)*

BHOPAL

(19 September, 1989)

1. DEFINITION OF POLITICAL PARTY

What is the definition of the expression 'Political Party' as used in the Tenth Schedule? How far the definition of the said expression given in the Election Symbols (Reservation and Allotment) Order, 1968 or the Representation of People Act as amended by Act 1 of 1989 is relevant for the purposes of the Tenth Schedule? *(Uttar Pradesh Vidhan Sabha)*

2. LAYING OF ANNUAL REPORTS/ACCOUNTS

It is found that the Corporations/Undertakings present their Annual Reports, Audited Accounts relating to long past years. Desirability of deciding norms or incorporating a provision in the relevant Act so that such Reports are placed before the House without much delay *(Orissa Assembly)*

3. COMMITTEES

(a) Whether the Chairman of a Committee can disallow any question of a member of that Committee put to a witness during the course of taking his evidence? *(West Bengal Assembly)*

(b) Can the Chairman or other member of the Privileges Committee participate in the meetings of such Committee when he is himself the accused or the complainant? *(Uttar Pradesh Vidhan Sabha)*

(c) Study tours by various House Committees of the State Legislatures/Parliament—fixing of norms and guidelines *(Himachal Pradesh Vidhan Sabha)*

4. TRAINING OF OFFICIALS

The desirability of getting officers of the Legislature Secretariat trained in specific items of work so that a cadre of experts in each field can be built up *(Kerala Assembly)*

5. MODEL PARLIAMENTS

Organization of Inter-College/Inter-University Competition on Model Parliaments *(Lok Sabha)*

6. LEGISLATURE TELEX SERVICE

All India Legislature Secretariat Telex and FAX service. *(Himachal Pradesh Vidhan Sabha)*

GANDHINAGAR

(28 May, 1992)

1. DURATION OF SESSION

Definition and meaning of the term 'Duration of Session' *(Nagaland Assembly)*

2. QUESTION HOUR

If the Question Hour is suspended either by a consensus in the House or on a motion adopted by the House for discussion on an urgent matter, whether the discussion on that matter should conclude at 12 o'clock or it may continue even thereafter? *(Rajya Sabha)*

3. MOTION OF THANKS

Motion of Thanks—implication of its rejection or amendments by the House *(Rajya Sabha)*

4. AMENDMENT TO BILL

Constitutional propriety of introducing a Bill to amend another Bill passed earlier by the Legislature and awaiting consent of the Governor/ President *(Orissa Assembly)*

5. REPLY TO DEBATE ON DEMANDS FOR GRANTS

Whether the Chief Minister can depute or authorise any Minister other than the Minister-in-charge of a Ministry for giving reply to the discussion on the Demands for Grants in respect of a Ministry, especially when the Minister having administrative control of that Ministry is present in the House and is not suffering from any kind of disability preventing him from giving a reply to the discussion? *(Rajasthan Vidhan Sabha)*

6. STATUTORY RESOLUTION

(i) Whether a member can give notice of an amendment to Statutory Resolution in respect of a Proclamation issued by the President under article 356 of the Constitution?

(ii) Whether a member can move a Resolution regarding disapproval of the Proclamation issued under article 356 of the Constitution, like a Resolution disapproving the Ordinance promulgated by the President under article 123 of the Constitution? *(Rajya Sabha)*

7. COMMITTEES

Whether the Committees can examine the Ministers as witnesses in connection with the subjects under their examination? *(Himachal Pradesh Vidhan Sabha)*

8. CONTEMPT OF THE HOUSE

Whether persons guilty of contempt of the House can be punished by imposing a penalty or fine? *(Rajya Sabha)*

9. RECOGNITION TO A GROUP OF INDEPENDENTS

If two or more members of a House elected otherwise than as candidates set up by any political party decide to form a separate Group, should it be recognised by the Speaker? *(Uttar Pradesh Vidhan Sabha)*

10. LEGISLATURE SECRETARIAT

(a) Speaker's control of the Legislature Budget *(Orissa Assembly)*

(b) Need to have uniform Rules of Recruitment and Conditions of Service in the Legislature Secretariats *(Gujarat Assembly)*

(c) Problems of personnel management in Legislature Secretariats *(Madhya Pradesh Vidhan Sabha)*

(d) Need to establish computer linkage with all State Legislature Secretariats *(Madhya Pradesh Vidhan Sabha)*

(e) Scope of Automation Devices in Legislature Secretariats. *(Madhya Pradesh Vidhan Sabha)*

MADRAS

(24 June, 1993)

1. QUESTIONS

Procedure for fixing priority to starred Questions *(Orissa Assembly)*

2. BILLS

(a) Procedure for obtaining sanction of Governor under article 207 of the Constitution in respect of non-official Bills

(b) Whether a Bill replacing an Ordinance which is dependent on another Bill replacing an Ordinance pending before the House may be taken up for consideration and passing in the House in anticipation of the passing of the Bill of which it is dependent? *(Maharashtra Assembly)*

3. MOTIONS

Whether a motion under section 61(3) of Electricity (Supply) Act, 1948 should be treated as a Statutory Motion or a No-Day-Yet-Named Motion? *(Orissa Assembly)*

4. NON-IMPLEMENTATION OF ASSURANCES

Remedy against non-implementation of an Assurance given by Minister on the floor of the House *(Uttar Pradesh Vidhan Sabha)*

5. PRIVILEGES

If a witness summoned by a Parliamentary Committee deliberately fails to comply, should the Committee compel his appearance by the use of the State machinery or refer the matter to the Speaker to proceed against the witness as a matter of breach of privilege of the House? *(Kerala Assembly)*

6. LEGISLATURE SECRETARIAT

(a) Work done by the Committee of Secretaries appointed by the Secretaries Conference at Gandhinagar in May, 1992 regarding Independence of State Legislature Secretariats under article 187 of the Constitution *(Himachal Pradesh Vidhan Sabha)*

(b) Whether authentication of the orders of the Governor in relation to various administrative and financial sanctions concerning the Legislature Secretariat should be done by the Secretary of the Legislature or the Secretary of the Administrative Department of the Government which acts as the communicating channel between the State Government and the Legislature? *(Rajasthan Vidhan Sabha)*

(c) Exemption from Employment Exchange (Compulsory Notification of Vacancies) Act, 1959 to Legislature Secretariats. *(Madhya Pradesh Vidhan Sabha)*

BHUBANESWAR

(4 February, 1994)

1. QUESTION HOUR

Need to enhance the duration of the Question Hour *(Orissa Assembly)*

2. BUSINESS OF THE HOUSE

Whether any type of business, official or non-official, can be taken up after guillotine of Demands? *(Orissa Assembly)*

3. PRIVATE MEMBERS' BUSINESS

Whether the Business Advisory Committee can cancel or postpone the non-official business fixed on every Friday in view of the urgency of other business to be taken up? *(Karnataka Legislature)*

4. BILLS

(a) Whether State Legislature can withdraw a Bill—Money Bill, which has been reserved by the Governor for the consideration of the President? *(Bihar Vidhan Sabha)*

(b) What procedure should be adopted in the House for Bills withdrawn by State Government which have been sent to President for assent? *(Tamil Nadu Assembly)*

5. PARLIAMENTARY PRIVILEGES

Whether a privilege motion can be raised in the case of issue of written whip by a party Chief Whip on the floor of the House? *(Rajasthan Assembly)*

6. POINTS OF ORDER

Whether a Point of Order can be raised by a member during the Question Hour? *(Karnataka Legislature)*

7. COMMITTEE SYSTEM

Need for uniform Committee System in all the Legislatures in India *(Uttar Pradesh Vidhan Sabha)*

8. CONSTITUTION OF COMMITTEE AT DISTRICT LEVEL

Need to constitute a separate Committee in Zilla Parishad on par with Public Accounts Committee to consider the Audited Accounts of Zilla Parishads and Local Municipal Bodies *(Karnataka Legislature)*

9. REPORTS OF THE COMMITTEES

Whether names of Minister or Officers should appear in the Committee Reports? *(Karnataka Legislature)*

10. SECURITY INSIDE THE HOUSE

Whether security measures should be tightened for protection of Ministers and members from clash inside the well of the House during adjournment of the sitting for a short period? *(Orissa Assembly)*

11. LEGISLATURE SECRETARIAT

(a) Financial autonomy of State Legislature Secretariats *(Orissa Assembly)*

(b) Status of the Secretaries of the State Legislatures. *(Himachal Pradesh Vidhan Sabha)*

NEW DELHI

(9 October, 1996)

1. SUMMONING AND PROROGATION OF THE HOUSE

Need for adoption of uniform procedure in the State Legislatures in matters of summoning and prorogation of the Assembly (*Orissa Legislative Assembly*)

2. SITTING OF THE HOUSE

(a) Fixation of working hours for the daily sitting of the Assembly *(Orissa Legislative Assembly)*

(b) Is it necessary for the Speaker or any other person competent to preside over the House to ensure quorum in the House immediately before the actual commencement of each sitting? If so, what is the procedure to be followed whenever there is no quorum at the appointed time of commencement? *(Tamil Nadu Legislative Assembly)*

3. ELECTION OF THE SPEAKER

Whether the Speaker *Pro tem*, appointed by the Governor to conduct the election of the Speaker, can exercise his own vote in the first instance and also the casting vote in case of equality of votes? *(Orissa Legislative Assembly)*

4. QUESTIONS

Procedure to be followed when the subject matter of a printed starred Question is raised in the House in the form of an Adjournment Motion and Calling Attention Notice *(Orissa Legislative Assembly)*

5. BILLS

What procedure should be adopted when an amendment tabled by the member belonging to the Opposition is accepted by the House but the member-in-charge of the Bill refuses to move further motion that the Bill, as amended, be passed saying that since the said amendment is not acceptable to Government, the member who tabled the amendment or any other member may move the said motion? *(Maharashtra Legislature)*

6. COMMITTEE SYSTEM

(a) Functioning and review of the Committee System *(Rajya Sabha)*

(b) Whether the Accountant-General, who is assisting the Committee on Public Accounts in its deliberation, can ask question to the departmental witnesses on a point of clarification? *(Assam Legislative Assembly)*

7. TRAINING OF STAFF

Training of Staff in the Legislature Secretariat *(Sikkim Legislative Assembly)*

8. COMMONWEALTH PARLIAMENTARY ASSOCIATION

Parliamentary Association/Delegation/Conference: clear-cut guidelines for selection of Secretaries as delegates for preparing and organising Secretarial duties in the Conference of Commonwealth Parliamentary Association held in Commonwealth countries outside India. *(Orissa Legislative Assembly)*

SIMLA

(20 October, 1997)

1. QUESTIONS

Procedure for fixation of priority of the transferred Questions *(Orissa Legislative Assembly)*

2. NOTICES FROM MEMBERS

Whether the provision of the Negotiable Instrument Act, 1881 is applicable for determining the last date of receiving notices of Motions, Resolutions and Questions, etc. from members? *(Orissa Legislative Assembly)*

3. ADJOURNMENT MOTIONS

Whether the Speaker can put any question for decision of the House while deciding the admissibility of an Adjournment Motion? *(Orissa Legislative Assembly)*

4. PRIVILEGES

Whether the person who is alleged to have committed a breach of privilege of the House is entitled to cross-examine the member who gave notice of Privilege Motion? *(Andhra Pradesh Legislative Assembly)*

5. ORDINANCE

Whether any Ordinance withdrawn under article 213(2) (b) of the Constitution of India need to be laid before the House? *(Orissa Legislative Assembly)*

6. COMMITTEES

(a) Examination by the Committee on Public Undertakings of the affairs of the company in respect of audit points mentioned in the report of the Comptroller and Auditor General of India in its report before the privatisation of the said company (*Maharashtra Legislature*)

(b) Is there any impropriety if, in the Committee meetings, the Assembly Secretary and in PAC, the Auditor-General ask clarificatory questions from officers/witnesses solely with a view to assisting the Committee? *(Delhi Legislative Assembly)*

(c) Whether the C&AG Report presented to the House could be discussed and observations/objections on various financial irregularities reflected therein could be taken cognizance of at its face value before being examined by the PAC? *(Nagaland Legislative Assembly)*

7. STUDY VISITS BY COMMITTEES

Restriction on number of persons of sister Committees visiting States on study tours *(Himachal Pradesh Vidhan Sabha)*

8. ASSURANCES

Non-implementation of Assurances by the Government *(Orissa Legislative Assembly)*

9. IMPLEMENTATION OF HIGH COURT DIRECTIVES

Can the High Court, on a petition under article 226, direct the Government to give effect to a particular recommendation of the Committee? *(Andhra Pradesh Legislative Assembly)*

NEW DELHI

(21 September, 1998)

1. QUESTIONS

Whether Questions received from members belonging to different political parties being substantially the same or similar in nature can be clubbed together? If so, whether all such members be allowed to put three supplementaries each or only the member whose name appears first in the list of Questions shall have the privilege to put such supplementaries? *(West Bengal Legislative Assembly)*

2. ALLOCATION OF TIME OF THE HOUSE

Need to adhere to time allocations made by the Business Advisory Committee for disposal of Official Business irrespective of amendments tabled at a later stage *(Orissa Legislative Assembly)*

3. LEGISLATION

Can the Government withdraw a Bill passed by the Assembly and reserved by the Governor for the consideration of the President under article 200 either for the purpose of introducing a more comprehensive measure or otherwise? If such a course of action is permissible, what would be the fate of the Bill passed by the Assembly earlier? Can the House seize such a Bill otherwise than in any other manner set out in the first proviso to article 200 to annul the earlier measure? *(Andhra Pradesh Legislative Assembly & West Bengal Legislative Assembly)*

4. BUSINESS IN THE HOUSE

Whether business of the House has to be transacted in between the period of leave granted by the House to move No-Confidence Motion and the discussion actually taking place? *(Mizoram Legislative Assembly)*

5. PROCEDURE FOR ALLEGATION AGAINST MINISTERS/MEMBERS

Whether personal allegations of incriminatory nature can be made against a Minister/member merely by giving a notice to the Speaker without there being an appropriate motion before the House slated for discussion? Can Zero Hour mention meet this requirement for making personal charges? *(Andhra Pradesh Legislative Assembly)*

6. CONTEMPT OF THE HOUSE

Whether convening of District Development Board (D.D.B.) and Block level meeting at the time of Assembly session should amount to contempt of the House? *(Orissa Legislative Assembly)*

7. PROPERTY STATEMENT

Whether the House can pass a Resolution authorising the Speaker to receive property statement of members and to retain the same in the custody of the office? *(Orissa Legislative Assembly)*

8. INDEPENDENCE OF LEGISLATURE SECRETARIAT

(a) Independence of the Assembly Secretariat *(Himachal Pradesh Vidhan Sabha)*

(b) Status of the Secretary of the State Legislature *(Himachal Pradesh Vidhan Sabha)*

9. TRAINING OF LEGISLATURE STAFF

Need to impart training to the State Legislature officers/staff. *(Himachal Pradesh Vidhan Sabha)*

HYDERABAD

(29 May, 2000)

1. ANTI-DEFECTION LAW

Tenth Schedule, articles 102(2) and 191(2) — Provisions as to Disqualification on the ground of Defection *(Himachal Pradesh Legislative Assembly)*

2. *SUB JUDICE* MATTERS

Can *sub judice* matters be discussed in the House? *(Himachal Pradesh Legislative Assembly)*

3. QUESTIONS

Is there any necessity to fix up a limit for asking Supplementary Questions? *(Orissa Legislative Assembly)*

4. ZERO HOUR

How to regulate the so-called Zero Hour? *(Lok Sabha)*

5. PAPERS LAID ON THE TABLE

(a) Can the administrative report of the Government be laid in the House before its release? *(Orissa Legislative Assembly)*

(b) Is there any scope of the Committee on Papers Laid on the Table to examine any paper/report of any Undertakings or any other Statutory Authority which are not laid on the Table of the House for strict observance of statutory requirement? *(Orissa Legislative Assembly)*

6. MOTIONS

Status of Special Motions, Censure Motions or any other motions not specified in the Rules of Procedure and Conduct of Business in any State Legislature. *(West Bengal Legislative Assembly)*

CHANDIGARH

(27 June, 2001)

1. QUORUM OF THE HOUSE

Can quorum of a House as specified in article 189(3) of the Constitution be altered by rules of the House? *(Goa Legislative Assembly)*

2. BUSINESS OF THE HOUSE

Can an item of business, which has the effect of eliciting decision of the House, be included in the agenda without sufficient advance intimation? *(Goa Legislative Assembly)*

3. VOTE ON ACCOUNT

Whether the new Government assuming office after General Elections to the Assembly is competent to seek Grants in advance again, *viz.*, Vote on Account for a second time in the same year instead of Revised Estimates, notwithstanding the 'Vote on Account' already obtained by the outgoing Government for a specific period? *(Tamil Nadu Legislative Assembly)*

4. CASTING VOTE BY THE PRESIDING OFFICER

What happens when the person presiding over the House does not cast his vote in case of a tie? *(Goa Legislative Assembly)*

5. ASSENT TO THE BILLS

Should not the Rules of Procedure of the House specify the time limits by which the Governor and the President shall signify their assent to a Bill presented to them? *(Goa Legislative Assembly)*

6. PARLIAMENTARY PRIVILEGES

Parliamentary privileges—guidelines for implementation *(Himachal Pradesh Legislative Assembly)*

7. GOVERNMENT ASSURANCES

What is the remedy against non-implementation of an Assurance given by Minister on the floor of the House? *(Uttar Pradesh Legislative Assembly)*

8. LEGISLATURE AND JUDICIARY

The scope of discussion in Legislature on the state of affairs in Judiciary. *(Goa Legislative Assembly)*

ANNEXURE X

IMPORTANT RESOLUTIONS/DECISIONS/CONCLUSIONS REACHED AT THE CONFERENCES OF SECRETARIES OF LEGISLATIVE BODIES IN INDIA [1953-2001]

October, 1953

SOCIETY OF SECRETARIES

1. The Conference unanimously resolved "that this Conference is agreed that a Society of Secretaries be formed". The Conference also agreed that the proceedings of the Conference be circulated in order to get the modalities of a Society of Secretaries of Legislative Bodies in India considered by every Secretary in his own judgement and make suggestions as he thinks fit.

June, 1954

INDIAN PARLIAMENTARY SERVICE

1. The idea of creating an All India Parliamentary Service received much support at the Conference. It was decided to appoint a small Committee of Secretaries to consider all details and make suggestions.

INFORMATION SHARING BETWEEN PARLIAMENT AND STATE LEGISLATURES

2. The Conference unanimously agreed that a Journal called the *Journal of Parliamentary Information* or by any other name, in which will be published information regarding various Legislatures, be brought out.

January, 1955

LEGISLATURE SECRETARIAT

1. The Conference agreed that all Legislature Secretariats should stand on as high a level as is necessary for their proper functioning.

November, 1955

COMMITTEES

1. On the need to have qualified staff trained in finance and accounts work to be exclusively attached to the Legislature Secretariat to help the work of the Financial Committees, the Conference agreed that the staff attached to these Committees, including if drawn from Ministries, should be under the control of the Speaker to ensure the independent status of the Legislature Secretariat.

INDIAN PARLIAMENTARY SERVICE

2. As regards the Report of the Committee on Indian Parliamentary Service under the Chairmanship of Shri A.R. Mukherjee, the Conference adopted the following Resolution:

> "The Secretaries of Legislative Bodies in India at their Conference approve the scheme for the constitution of an All India Parliamentary Service as embodied in the two Reports of the Committee of Secretaries and adopt the said Reports".

The Conference also decided that the said Resolution and the Reports be forwarded to the Conference of Presiding Officers of Legislative Bodies in India through the Chairman of the Conference.

September, 1956

PRESIDING OFFICERS

1. The unanimous opinion of the Conference in respect of the question, namely, whether it is not open to the Speaker to furnish on his own authority without consulting the State Government, the information to an outsider as to whether a particular paper was placed on the Table or not, was that information which is in the records of the Parliament Office may be furnished to any member of the public and the Speaker is not bound to consult the Government. No question of consulting the Government arises because the matter is within his sole jurisdiction. He may in order to assure himself whether a paper was placed on the Table of the House or not, ask the Government to confirm informally whether that is also their impression.

October, 1957

ADJOURNMENT MOTION

1. The general sense of the Conference was that where for a particular day, notices of more than one Adjournment Motion were received, the Speaker should take them up one by one and as soon as one motion was admitted by him and the House gave leave, it should be put down for that day and the remaining motions should be taken up on the succeeding day. But if the Speaker gave his consent to one motion and the House refused the leave, he should take up the next motion and the opinion of the House whether it should discuss that motion or not should be determined that day. Where several motions were received, one Adjournment Motion (if admitted and the House gave leave) must be put down on the Order Paper for that day.

DRAFTING OF BILLS

2. The Conference agreed that the Legislature Secretariat should not provide a full-fledged staff and also should not take responsibility for drafting Bills for members but might give assistance to members who gave notice of their Bills in accordance with the practice prevailing at the Centre.

October, 1958

BILLS

1. The Conference was unanimous that the information regarding ratification by the States that was collected and transmitted to the Centre should be laid on the Table of the House which was last in possession of the Bill before the necessary certificate was appended by the Presiding Officer concerned and the Bill was submitted to the President. The Conference was also unanimous that the information regarding ratification should be conveyed by the House of a Legislature to the other House by a message.

2. The Conference agreed that a Bill containing provisions for the imposition of new duties or for alteration in the existing rates of duties and involving expenditure out of the Consolidated Fund of a State might be introduced even earlier but it should be passed after the final voting of the Supplies.

MEMBERS

3. The consensus opinion of the Conference was that even if a member might not have taken the oath he could be put on a Committee appointed by the House but he could not function in the Committee unless he had taken the oath.

QUESTIONS

4. The general opinion of the Conference was that since at present they were not in a position to supply proof copies of the debates to members the next morning, every effort should be made to facilitate the work of members and copies of replies should be supplied to them on request as far as it was practicable. In addition, a few copies of the replies might be placed in the Library after the Question Hour.

As regards discontinuance of the practice of making available to members answers to Questions before they were given in the House, the consensus opinion of the Conference was that the Secretaries concerned might consider the matter and if necessary, place the matter before their Rules Committees.

December, 1960

CUT MOTIONS

1. The Chairman stated that as regards the right to give notice of cut motion by a member of the Government Party, there was no distinction between a member of the Government Party or member of the Opposition Party. The governing consideration should be that all rules are framed on the basis that they are also members of the House. The Speaker should not give any direct or indirect support with a view to enforcing discipline helping the Government Party by persuading them not to move cut motion(s).

January, 1965

COMMITTEES

1. The general consensus at the Conference was that the rule "it shall be the duty of the Petitions Committee to report to the House and to suggest remedial measures" should stay and it should be utilized in proper cases or in all cases.

2. The Conference decided to have periodic Conferences of Chairmen of the Estimates Committee, the Public Accounts Committee and of other Committees.

CONFERENCE

3. It was unanimously decided at the Conference that the system of holding meetings of the Committee of Secretaries or even full Conference apart from the Conference held with the Conference of Presiding Officers in summer months should be revived. The Chairman was authorised to decide whether to meet as a Conference or as a Committee and the month to meet.

June, 1966

LEGISLATION

1. The consensus opinion of the Conference was that there may be three stages for a Money Bill and the final form of the motion was that the Bill be returned. It gives the Parliament or the Legislature as many opportunities as possible to discuss matters. If the Council has no recommendations to make, it may return the Bill. If the Upper House has to negative the motion, the constitutional provision is that after 14 days, the Assembly will be within its powers to send the Bill to the Governor.

INFORMATION SHARING BETWEEN PARLIAMENT AND STATE LEGISLATURES

2. The consensus opinion of the Conference was that a uniform procedure be adopted in connection with the maintenance of the rulings of the Presiding Officers. After extracting the important rulings, each Legislature Secretariat would circulate them to the other Secretariats. Each Legislature Secretariat might open a 'Documentation Centre' to keep the same in one place for easy access.

RAPPORTEUR

3. There was a general agreement at the Conference that the methods of work of the Conference may be improved. As a sequel to this, the Conference decided to appoint a Rapporteur to study and report on: (i) administrative side, including the question of organisation of the Secretariat, how to form it, recruitment of staff, their training and allied matters, etc.; and (ii) technical side, dealing with the rationalisation of research in Legislature Secretariat and how to achieve the same.

SECRETARY

4. As regards the role of the Secretary in a situation of pandemonium in the House, the Conference concluded that the Secretary should remind the Chair to be "cautious, be more cautious and be very cautious". Disciplinary action should be taken only in extreme cases.

January, 1968

SECRETARY

1. The general sense of the Conference was that as regards the important constitutional matters like whether a Ministry is validly constituted or not, the advice of the Secretary, if asked for by the Speaker, should be to tell him that he is only to conduct the proceedings of the House. It would not be desirable to give pronouncement on such matter without hearing the House.

Insofar as the adjournment of the House in such a situation is concerned, it was held that the matter should be left to the Legislature concerned to take a decision whether to have a rule in this regard.

July, 1970

SUMMONS/NOTICES BY COURTS

1. The Conference agreed that the summons or notices by the High Courts/Supreme Court in cases where the Presiding Officers or members of Legislatures are involved as parties in respect of their speeches in the Legislatures or any matter connected with the business of the House should be decorous and courteous. The need to evolve a special procedure in this connection was agreed to. The Conference further concluded that it was for the Home Department to evolve the same in consultation with the courts.

PRIVILEGES

2. The Chairman concluded that witnesses should not, as a matter of rule, be allowed to be cross-examined. As regards peculiar circumstances, it is for the House to take a decision in this regard. Insofar as the power of the Committee of Privileges is concerned, it is again for the House to empower the Committee for such thing.

December, 1973

PRIVILEGES

1. The Chairman observed that when a member is arrested in a criminal case in the due course of law or due process of law, brought under the custody of police by some legal process of criminal law and beaten, he is to be regarded as any other citizen. The complaints made on the floor of the House connected with such case may be referred to the Home Ministry for investigation, not so much as a matter of privilege but because a member of the House has not been properly treated by the police.

QUESTIONS

2. The Chairman observed that the Parliament or a Legislature is not a forum for deciding whether the Minister replying to a Question is telling the truth or the member-in-charge of the Question or any other member putting a Supplementary. The statement of the Minister and the counter statement of the member should be left on the records of the House.

TRAINING IN PARLIAMENTARY PRACTICE AND PROCEDURE

3. There was a consensus at the Conference that there should be some centralised training programme on Parliamentary Practice and Procedure for the staff of Legislature Secretariats.

November, 1974

COMMITTEES

1. As regards the course of action of the Assembly and the Assembly Secretariat in cases where the recommendations of the Committee, including the Special Committees, are not implemented by the Government within a time frame, it was concluded at the Conference that the Legislature is not to perform the duties of the Executive. In such a situation, the House can discuss and criticise or censure the Government.

LEGISLATURE SECRETARIAT

2. The Conference discussed the Report of the Committee of Secretaries (Hanumanthappa Committee) on Staffing Pattern in the Legislature Secretariats and decided to appoint a small Committee to consider the matter further point by point and to lay down certain guidelines and see that the Committee makes a very comprehensive report rather than general recommendations.

PRESIDING OFFICERS

3. As regards the direction of the Presiding Officer to direct the Minister to lay the document in appropriate cases, it was concluded at the Conference that the functions between the Speaker and the Government must be kept carefully separate. In such matters, the advice of the Secretary to the Speaker should be not to involve himself. The Speaker's powers are not like the powers of a judge. He is simply to conduct the proceedings of the House and it is for the House to decide in such matters.

August, 1975

RULES OF PROCEDURE

1. The Conference concluded that there was no need for any permanent or universal emergency procedure to be followed during emergency. The emergency procedure can be adopted whenever a need arises. And the emergency procedure can also be modified from session to session.

2. It was also concluded that the only way the Rules of Procedure could be modified was through the vote of the House. The Speaker has no power to go into the merits of the resolution or the motion to that effect. It is for the House to decide. The House is the master of its own procedure. It has an inherent power to make, delete or omit, modify and suspend any rule.

January, 1977

LEGISLATURE SECRETARIAT

1. The Conference considered the Report of the Hanumanthappa Committee on Staffing Pattern in the Legislature Secretariats and made the following conclusions:

(a) The appointment to the post of Secretary be made by the Speaker or Chairman in consultation with the Chief Minister.

(b) As regards the appointment of other gazetted officers, *i.e.*, Additional Secretary, Joint Secretary, Deputy Secretary, etc. it was recommended that it should be made by the Speaker on the recommendations of the Secretary.

(c) The Conference, in principle, agreed to have a common examination for the Gazetted Posts for all the Legislature Secretariats in order to pave the way for the creation of experts in parliamentary work.

(d) The Conference concluded that sanctions regarding administrative, financial and service matters relating to Legislature Secretariats should be issued in the name of the Speaker.

(e) The Conference also decided to submit the Report of the Hanumanthappa Committee along with the recommendations of the Conference thereon for the consideration of the Presiding Officers' Conference before further processing is done.

January, 1978

COMMITTEES

1. As regards whether the Committees of Legislature could examine the Officers of Legislature Secretariat, it was agreed upon at the Conference that the Secretary and other Officers of the Legislature Secretariat can appear before a Legislature Committee in two cases, *i.e.*, a Pay Body for determining the pay, conditions of service, etc. of the staff of the Legislature Secretariat and a Committee which is set up to deal with such subject in which the Secretary of the Legislature Secretariat is an expert. Otherwise, in the case of a Committee other than the above two, it should be explained that it would not be proper to give evidence before it.

LEGISLATURE SECRETARIAT

2. There was a consensus at the Conference that the relevant Union Territories Act should be amended to include provisions similar to article 187 of the Constitution in order to provide for separate Secretariats for the Union Territories' Assemblies so as to ensure their independence from the control of the Government.

3. In connection with authentication of the Orders of the Governor in relation to various administrative and financial sanctions concerning the Legislature Secretariat, the Conference had a consensus that the provisions empowering the Legislature Secretariat to have these powers must be implemented as soon as possible.

4. The Conference adopted the following Resolution:

> "This Conference of Secretaries of Legislative Bodies in India held at Bhubaneswar on 17 & 18 January, 1978, having considered the Report of the Committee of Secretaries on Staffing Pattern in the

> Legislature Secretariats (Hanumanthappa Committee Report, 1976) agrees with the recommendation contained in Part II of the said Report for the formation of an All India Service for Legislative Bodies in India, namely, the Indian Parliamentary Service. The Conference is of the opinion that while working out the details of the scheme for the formation of this Service, the recommendations contained in Part II of the Report of the said Committee may be the basis.
>
> The Conference is also of the opinion that pending the formation of the Indian Parliamentary Service, immediate steps be taken to implement the conclusions arrived at by this Conference in 1977 and 1978 with regard to other matters mentioned in Part I of the said Report.
>
> The Conference further resolves that this Resolution together with the Report of the said Committee and the conclusions of this Conference thereon be submitted to the Chairman of the Conference of Presiding Officers of Legislative Bodies in India which is being held at Bhubaneswar, for such action as may be considered necessary."

October, 1978

LEGISLATURE SECRETARIAT

1. The Conference unanimously agreed that the staffing pattern in the Legislature Secretariats or the matter relating to improving the conditions of service of the staff of the Legislature Secretariats should be a permanent item on the agenda of the Conference because of its being a matter of perennial interest.

PRESIDING OFFICERS

2. There was a general consensus at the Conference that there was no specific provision in the Constitution about the matter whether the Deputy Speaker or the person appointed to discharge the functions of the Speaker under article 180 should resign while contesting for the office of the Speaker. But as the person elected has to be conducted to the Chair from the pit to the dais, he cannot be a person already occupying the Chair. The present practice followed at the Centre and in the States supports the same. The same practice can be followed in the matter.

January, 1981

LEGISLATURE SECRETARIAT

1. It was held at the Conference that 'Separate Secretariat' and 'Independent Secretariat' are expressions used as synonyms and to some extent, it is true that they are synonyms. But 'Separate' and 'Independent' are to be so interpreted as to conform to the sense that Legislature Secretariats are separate from the Executive Government but are not independent of the whole organisation of the Government. They are also part and parcel of the whole organisation of Government — Government meant in a wider sense and not only restricted to the Executive Government. The Chairman further clarified that at the Centre, the relation between the Finance Ministry and the Legislature Secretariat is looked upon as between colleagues and friends and not as critics of the Budget proposals. There is nothing wrong in approaching the Government with Budget proposals and there is nothing wrong also if the Finance Ministry suggests certain expenditure cuts based on certain policies and principles of Government.

December, 1981

DEBATES

1. As regards the power of the Chairman or the Speaker to order any expunction from such speech to which there has been no objection either by another member or by the Chair while a member is speaking in the House, the Chairman observed that the Speaker or the Chairman is vested with the power to expunge it even outside the House. But if it is done after the cyclostyled debates have been distributed, then in all fairness he should inform the House suitably about expunction. Insofar as the Legislature Secretariat is concerned, the duty is not to sit in judgement but to bring it to the notice of the Presiding Officer concerned what is or is not admissible under the rules and precedents. It is he who has the authority to decide.

QUESTIONS

2. As regards the methods to ensure timely replies to Questions, the Chairman observed that the whole approach should be to avoid conflict between the Head of the Legislature and the Head of the Executive. The Speaker should not be put in an invidious situation of writing a letter to the Chief Minister about Questions not having been replied. Such a procedure should be evolved that the Minister is made directly responsible to the House for answering Questions.

October, 1984

LEGISLATURE SECRETARIAT

1. The unanimous opinion of the Conference was that the Secretary of the Legislative Assembly or Legislative Council was an Officer of the House, and probably it might not be safe to extend this to others for the purpose of article 212(2) of the Constitution of India. In respect of his function as an Officer of the Assembly, when the functions relate to the House or its Committees, he is an Officer of the House and fully protected under article 212(2), but when he functions as the administrative head of the Legislature Secretariat, the protection is not available to him.

October, 1985

LEGISLATURE SECRETARIAT

1. As regards the extent of jurisdiction of the Executive authorities in relation to the Legislature Secretariat in respect of conditions of services of its employees, the Conference once again upheld its stand to conform to the spirit of the Constitution in ensuring an independent Secretariat for the Assembly as at the Central level.

October, 1986

LEGISLATURE SECRETARIAT

1. The Conference unanimously agreed that there might be an Indian Parliamentary Service. It was decided to send a Resolution to that effect to the Conference of Presiding Officers of Legislative Bodies in India recommending the constitution of a Committee to go into the modalities and come to some conclusions in this connection. The Conference adopted the following Resolution:

> "The Conference of Secretaries of Legislative Bodies in India at their sitting held in Old Secretariat, Delhi on 20 October, 1986 considered the question of the formation of an Indian Parliamentary Service in all its aspects, particularly in the background of strengthening national integration and proper working of parliamentary democracy in the

country. The Conference recalled that a Committee of Presiding Officers in their report of September, 1968 had accepted in principle the proposal to have an Indian Parliamentary Service and had recommended a phased programme for the purpose, which had been adopted by the Conference of Presiding Officers at their sitting held in Trivandrum in October, 1968. The Conference of Secretaries is unanimously of the view that the time has now come for the ushering in of the proposed Indian Parliamentary Service and recommends to the Conference of Presiding Officers to take necessary steps in the matter."

September, 1989

TRAINING OF OFFICIALS

1. The Conference unanimously agreed that the main work of the Legislature Secretariat relates to the conduct of business of the House and its Committees and giving proper guidance and assistance to members thereon. The efficiency of parliamentary work depends to a great extent on the efficiency of Secretariat service provided to the Presiding Officers and the members. An overall knowledge of the work of the Secretariat and expertise in a particular field like Legislation, Table, Questions, Committees, Members' Reference Service, etc. are sure to increase the efficiency of the Secretariat. In building up the team of experts, the innate capacities of the staff need to be objectively assessed. Hence, it is desirable that officers are trained in specific items of work so that a cadre of experts in each sphere can be built up.

May, 1992

QUESTION HOUR

1. The consensus opinion at the Conference was that suspension of rules and the fixation of time are two distinct things. If the Question Hour is suspended, it does not necessarily mean that the matter sought to be discussed in the Question Hour should confine only to one hour. This has to be decided by the Chair taking the sense of the House or if there is time, they can meet in the Business Advisory Committee and come to a decision.

September, 1998

LEGISLATURE SECRETARIAT

1. The Conference adopted the following Resolution:

"This All-India Conference of Secretaries of the Legislative Bodies held at New Delhi on 21 September, 1998 resolves that the Resolution passed by the Gandhinagar Conference (Presiding Officers)* regarding Independent and Separate Secretariat for the State Legislature be pursued vigorously.

It further resolves that immediate steps be taken to upgrade the status of the Secretary of State Legislature in terms of rank and pay on the pattern of Parliament."

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*For the text of Resolution, *See* Annexure IV.

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